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THE LAW SOCIETY OF UPPER CANADA

Minutes of Convocation

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LAW SOCIETY OF UPPER CANADA

VOLUME 4

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VOLUME 4

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MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 19th January, 1979
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Bowlby, Brulé, Bynoe, Carnwath, Carter, Carthy, Cass, Chadwick, Fennell, Furlong, R. J. S. Gray, W. Gibson Gray, Ground, Guthrie, Henderson, Kellock, Mrs. Legge, Messrs. Lochead, McWilliams, O'Brien, Ogilvie, Orkin, Pallett, Pepper, N. MacL. Rogers, W. P. Rogers, Ruby, Seagram, Sheard, Strauss, Mesdames Sutherland and Tait, Messrs. Thom, Tobias and White.

. . . .

MINUTES

The Minutes of Convocation of 17th November, 1978 and of Special Convocation of 15th December, 1978 were read and confirmed.

. . . .

APPOINTMENTS TO STANDING COMMITTEES

(i) Legal Aid Committee

Arthur C. Whealy, Q.C., having been appointed a judge of the County and District Courts of Ontario, the Legal Aid Committee recommended that Sidney B. Linden, Q.C., of Toronto be appointed a non-bencher member of that Committee in his place.

It was moved, seconded and *carried* that Mr. *Sidney B. Linden*, Q.C., of Toronto be appointed a non-bencher member of the Legal Aid Committee.

(ii) Errors and Omissions Insurance Committee

The Errors and Omissions Insurance Committee recommended the appointment of two additional members to that committee.

It was moved, seconded and *carried* that Mr. *Hugh Guthrie* and Mr. *Noel Ogilvie* be appointed to the Errors and Omissions Insurance Committee.

. . . .

APPOINTMENT OF REPRESENTATIVE TO THE CANADIAN NATIONAL EXHIBITION ASSOCIATION

It was moved, seconded and *carried* that Mr. *W. B. Common* be appointed the Society's representative to the Canadian National Exhibition Association for the year 1979.

. . . .

RESIGNATION FROM STANDING COMMITTEES

The Treasurer announced that Mr. *Isadore Levinter* had resigned as a member of the Errors and Omissions Insurance Committee and the Legal Aid Committee, and referred to his long and valued service to the Bench and the Society. The resignation was accepted with regret.

. . . .

APPOINTMENT OF SCRUTINEERS (3) AND TREASURER'S REPRESENTATIVE FOR BENCHERS ELECTION 1979

It was moved, seconded and *carried* that, in accordance with The Law Society Act and the relevant rules made thereunder, *J. Perry Borden,* Q.C., *Stephen T. Goudge* and *Marie Térèse Huxter* be appointed the three scrutineers for the Benchers Election 1979 with power to act on any reference and that *R. Browning Watt* be appointed the Treasurer's representative for the said Election.

. . . .

LETTER FROM HERMAN TURKSTRA, PRESIDENT, THE ONTARIO LEGAL EDUCATION COUNCIL

The Treasurer referred to a letter dated 17th October, 1978, which he had received from Mr. Herman Turkstra, President of The Ontario Legal Education Council, reporting on the work of the Council since its inception and enclosing a statement made by the Council following its meeting on 16th June, 1978, that it had adopted a motion suspending its activity for a two-year period, during which time it could be reconvened by the Treasurer of the Society, but if it is not reconvened, then it should be wound up at the end of the two years.

. . . .

SOLE PRACTITIONERS UNDER THE ADVERTISING RULE

The Treasurer referred to the position of sole practitioners under the advertising rule which is to be interpreted so as to operate fairly for sole practitioners by allowing them the same advantages as firms having several partners, by permitting them to list their firm names under "General Practice" and their own names under up to three of the particular category headings.

. . . .

ADMISSIONS COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 11th January, 1979.

The following members were present: Mr. Ground (Chairman), Mrs. Legge (Vice-Chairman), Messrs. Brulé, Cass, Henderson, Pallett, Pepper, and Mrs. Sutherland.

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further 92 candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26 (5) for admission to the Law Society as students-at-law in 21st Bar Admission Course as of 1st September, 1978.

DIRECT TRANSFER

The Committee considered three applications to transfer to practise in Ontario by lawyers from other common law provinces. The applicants, two from Manitoba and one from Nova Scotia, sought permission to proceed under Regulation 4 (1). All three applications were approved.

DIRECT TRANSFER FROM QUEBEC

The Committee considered three applications to transfer to practise in Ontario by Quebec lawyers who sought to proceed under Regulation 4 (2). All three applications were approved.

PETITION
BAR ADMISSION COURSE

The Committee had before it for consideration a petition for permission for late filing of the petitioner's application for student membership in the Society and that a period of service with a member of the Society be counted towards the required term of articles of clerkship. The petitioner had failed to file his application before 31st August, 1978 because of oversight and emotional distress over marital separation, but did mail it in September 1978. The papers were returned by the mail service in December 1978, not having been delivered to the Bar Admission Course Office. The petitioner filed the necessary papers and paid a fine of $91 for late filing. The Committee approved the petition.

EXTERNAL EXAMINATIONS

Two candidates were approved by the Committee to proceed under Regulation 4 (2). Two sat the required examination at Osgoode Hall. The examinations were identified only by numbers and a report of the examiners was before the Committee.

Both candidates passed.

Approved

REPORT OF THE SUB–COMMITTEE TO CONSIDER REGULATION 4

Inplementation of the Recommendations respecting the Comprehensive Examination on the Common Law

The report of the Sub-Committee of the Admissions Committee which considered Regulation 4 was adopted by Convocation on 21st April 1978. All of the recommendations respecting the Examination on the Statutes and Procedure in Ontario have been implemented. The recommendations respecting the Comprehensive Examination on the Common Law require further consideration and direction from the Society. A letter dated 9th January 1979 from Professor Ralph E. Scane to Mr. Collins-Williams was before the Committee.

The Committee recommended that the Director of Legal Education be authorized to settle with Professor Scane the fees to be paid in respect of setting and marking the examinations, and the preparation of syllabi of subjects to be included in the examinations; that he be authorized to settle the subject matters to be covered by the examinations; and that he report back to the Committee for ratification when these matters have been settled.

THE REPORT WAS ADOPTED

....

Mr. Ground presented the Report of the Admissions Committee of its meeting on Friday, 19th January, 1979.

The following members were present: Mrs. Legge (Vice-Chairman), Messrs. Brulé and Henderson.

OCCASIONAL APPEARANCE

Paul Antymniuk of the Province of Manitoba, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Canadian National Railway Company* v. *United Transportation Union Members.* Mr. Antymniuk complied with the requirements of Section 10 of the Regulations and presented a Certificate of Good Standing. He asked to receive his Call to the Bar of Ontario at the January Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Call to the Bar for an Occasional Appearance

At its meeting on 19th January 1979, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearance in Ontario of lawyers from other Provinces" and that upon giving the necessary undertaking he be called to the Bar and admitted as a Solicitor:

Paul Antymniuk	Province of Manitoba

Approved

THE REPORT WAS ADOPTED

. . . .

CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation and was called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer:

Paul Antymniuk

. . . .

LEGAL EDUCATION COMMITTEE—Mr. Pallett

Mr. J. C. Pallett, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 11th January, 1979.

The following members were present: Mr. J. C. Pallett, Chairman, Messrs. Brulé, Goodman, Ground, Henderson, Orkin, Outerbridge, N. Rogers, W. Rogers, Thom, and Mrs. R. M. Tait.

FACULTY APPOINTMENTS –
Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 5th, 1978:

(a) **Accounting in a Law Office Section**

Group Instructors (Toronto): Harold Chmara, C.A., J.C. Heath, C.A.

Stand-by Instructor (Toronto): R.N. Thompson, C.A.

Stand-by Instructor (Ottawa): D.A. Whitelaw.

(b) **Corporate and Commercial Law Section**

Stand-by Instructors (Toronto): P.E. Brent, L.L. Bertoldi, Richard Clark, W.H. Gravely.

Stand-by Instructors (Ottawa): Pierre Richard, L.J. Soloway.

(c) **Real Estate and Landlord and Tenant Section**

Group Instructor (Toronto): B.D. Bucknall.

(d) **Estate Planning Section**

Group Instructors (Toronto): W.P.G. Allen, W.G. Beach, Nancy Chaplick, J.D. DeSipio, M.L. Dickson, L.G. Dollinger, A.C. Dymond, R.D. Finlayson, C.T. Fletcher, B.T. Grant, L.R. Hepburn, Milan Herceg, Gordon Hill, R.E. Jarman, Barb McGregor, Melville O'Donohue, T.W. Powers, H.L. Roszell, K.L. Saltzman, R.J. Sanderson, P.U. Schmidt, P.B. Shone, John Spina, Solomon Spiro, J.M. Stewart, J.B. Stratton, T.A. Sweeney, Stanley Taube, W.M. Traub, M.J. White, R.R. Wozenilik.

Group Instructors (Ottawa): P.J. Davidson, R.J. Doering, Sidney

Goldstein, P.T. McEnery, J.N. McFarlane, Eileen Savoia.

Group Instructors (London): E.L. Elwood, L.D. Fowler, J.G. Kerr, D.J. McNamara, M.M. Pellarin.

Stand-by Instructors (Toronto): H.J. Alpert, Richard Fitzsimmons, F.J. MacDonald, P.E. Lockie, Karen Trotter.

Stand-by Instructor (Ottawa): Elizabeth Slasor.

Stand-by Instructors (London): J.R. Cowan, D.D. Organ.

(e) Administration of Estates Section

To continue as Head of Section: J.A. Brulé, Q.C.

Group Instructors (Toronto): H.J. Alpert, A.D. Dollinger, S.L. Dunbar, C.T. Fletcher, Susan Greer, Milan Herceg, Gordon Hill, R.E. Jarman, P.E. Lockie, B. McGregor, Melville O'Donohue, S.A. Parker, T.W. Powers, P.J. Roche, H.L. Rozell, K.L. Saltzman, P.U. Schmidt, Brian Schnurr, P.B. Shone, J.M. Stewart, James Stratton, M.J. White.

Group Instructors (Ottawa): R.W. Cleary, Marc Landry, P.T. McEnery, H.T. McGovern, J.W. Thomas, D.C. Thompson, A.R. Winship.

Group Instructors (London): H.W. Cohen, D.G. Evans, G.K. McClure, R.I. Morrison, A.C. Wright.

Stand-by Instructors (Ottawa): R.C. McLaughlin.

Stand-by Instructors (London): R.T. Furlonger, W.A. Petrie.

Approved

BAR ADMISSION COURSE – GIFT UNDER THE WILL OF THE LATE MARGARET A.M. FRASER, Q.C.

The late Margaret A.M. Fraser, died on November 5th, 1977. By her will made in 1962, Miss Fraser provided for payment of the following bequest out of the residue of her estate:

> "The sum of Three thousand ($3,000.00) dollars as a Bursary to be known as the Angus and Margaret Fraser Bursary, for the assistance of Students-at-law, enrolled at Osgoode Hall, Toronto, in such manner as the Benchers of the Law Society of Upper Canada may

from time to time determine."

The Osgoode Hall Law School of York University has taken the position that it is reasonable to infer that the intended beneficiaries are the students of Osgoode Hall Law School. Correspondence between the solicitors for the Estate and the Law Society and the solicitors for the Estate and Osgoode Hall Law School were before the Committee.

The Committee recommended that the Law Society obtain the opinion of counsel as to the proper interpretation of the gift in question under the Will of the late Margaret A.M. Fraser.

BAR ADMISSION COURSE – SUBMISSION OF MR. CLAY M. POWELL, Q.C.

Mr. Clay M. Powell, Q.C., submitted a submission in writing, dated December 14th, 1978 to the Treasurer on behalf of a group of Bar Admission Course students. Mr. Powell sought to make this submission in person to Convocation on December 15th, 1978, at which time a personal appearance was not entertained and the written submission was referred to the Legal Education Committee. Mr. Powell's letter was before the Committee.

Mr. Powell conferred with the Chairman prior to the meeting of the Committee and in the light of the action taken by Convocaton in December, 1978, did not further press the submissions contained in his letter. Mr. Powell did urge that the Committee should recommend changes in the schedule of the supplemental and special examinations and the Call to the Bar arrangements to permit all successful candidates to be called to the bar at the same time rather than postponing the Call of the candidates writing supplemental and special examinations.

After due consideration the Committee recommended that no changes be made in the present schedule.

BAR ADMISSION COURSE – ARTICLING LEGAL BRANCH OF THE R.C.M.P.

In April, 1977 the Committee approved in principle an arrangement whereby a member of the R.C.M.P. Legal Branch might undertake articles within the office location of the

R.C.M.P., having as a principal a member of the Society working with the Department of Justice. The matter was initiated by an inquiry from a member of the R.C.M.P., who has submitted further information for consideration by the Committee.

A second member of the R.C.M.P. made application for admission to the Bar Admission Course and paid the admission fee together with a late filing fee on 31st October, 1978. Subsequently he filed articles of clerkship purporting to cover service under articles commencing 10th May, 1978, with a member of the Society employed by the Department of Justice. The Committee was asked to consider the articling relationship in these circumstances.

The Committee recommended that each of these members of the R.C.M.P. be permitted to article with a member of the Society in the Department of Justice in accordance with the ruling of Convocation made in April, 1977, provided that the principal in each case provided the requisite supervision over the work performance of the articling student.

CONTINUING LEGAL EDUCATION – PROGRAMMES FOR DESIGNATED AREAS OF PRACTICE

A question was raised respecting the future schedule of Continuing Legal Education programmes for the several designated areas of practice and the need for having guaranteed registration for all required to take such programmes. A letter from Mr. Michael E. Fitton raising these issues was before the Committee.

The Committee noted Mr. Fitton's concern and instructed the Director to advise that the Continuing Legal Education courses for preferred areas of practice will be so arranged as to be available to all members of the Society.

REGULATION 4 – IMPLEMENTATION OF SUB–COMMITTEE REPORT RESPECTING COMMON LAW EXAMINATIONS

The report of the Sub-Committee of the Admissions Committee which considered Regulation 4 was adopted in

Convocation on April 21st, 1978. All of the recommendations respecting the examination on statutes and procedure have been implemented. The recommendations respecting the Comprehensive Common Law examination require futher consideration and direction from the Society. A letter dated January 9th, 1979, from Professor Ralph E. Scane to the Director was before the Committee.

Noted

SPECIAL PETITIONS

The Committee had before it for consideration three petitions of a routine nature. One was denied and two were approved.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the period from 1st July to 31st December, 1978; and reviewed a summary of Continuing Education programmes presented in November and December, 1978 and the Continuing Education publications report for the months of November and December, 1978.

THE REPORT WAS ADOPTED

....

FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 11th January, 1979.

The following members were present: Messrs. Pepper (Chairman), Brulé (Vice-Chairman), Farquharson, Ground, Guthrie, Henderson, Ogilvie, Pallett and R. F. Wilson.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointment to Judicial Office and their membership in the Society will be placed in abeyance upon their assuming office:

Peter Paul Ayotte Yellowknife, N.W.T.	Called – 21 March 1975 Appointed Judge, Territorial Court of the Northwest Territories – 14 August 1978
John Douglas Lambert Vancouver, B.C.	Called – 18 October 1963 Appointed Judge, Court of Appeal of British Columbia – 14 July 1978
Roger Stephen Kimmerly Whitehorse, Yukon	Called – 20 March 1975 Appointed to Magistrate's Court, Yukon Territory – 2 October 1978
Dietrich Brand Medicine Hat, Alberta	Called – 21 September 1969 Appointed Judge, Family & Juvenile Court of Alberta – 2 March 1978

Deaths

The following members have died:

George Thomas Mitches London	Called – 19 September 1958 Died – 25 October 1978
Walter Tyrie Robb Orangeville (Life Member)	Called – 18 September 1914 Died – 16 November 1978
Richard Joshua Horne Toronto	Called – 21 November 1940 Died – 18 November 1978
Elaine Knight Cornwall	Called – 19 October 1956 Died – 13 March 1978
Glyn Reid Stanger, Q.C. Hamilton	Called – 20 September 1957 Died – 24 November 1978
Barry Alan Monaghan Toronto	Called – 25 June 1959 Died – 28 October 1978

Nathaniel Herbert Shaw, Q.C. Toronto	Called – 18 June 1936 Died – 11 November 1978
Frederick Gerald Gans, Q.C. Toronto	Called – 25 March 1966 Died – 5 December 1978
Wilmot Sinclair Campbell Toronto	Called – 19 May 1938 Died – 29 April 1978
George Ben, Q.C. Toronto	Called – 21 June 1951 Died – 17 December 1978
Avram Michael Lampel Sarnia	Called – 21 October 1943 Died – 12 December 1978
Louis Sidney Hyman, Q.C. Miami Beach, Florida (Life Member)	Called – 19 November 1925 Died – 11 December 1978
Alexander Michael Ferriss, Q.C. Penetang (Life Member)	Called – 18 June 1925 Died – 21 December 1978
Jack Stoller Ottawa	Called – 26 June 1958 Died – 4 December 1978

Disbarments

The following former member has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Society:

Ian Stuart McLennan Carleton Place	Called – 12 April 1976 Disbarred – Convocation 15 December 1978

Readmission

The following former member of the Society, having complied with the requirements of the Admissions Committee, was readmitted and his membership in the Society has been restored:

Allan Henry Fitch, Q.C. Winnipeg	Convocation – 20 October 1978

Noted

MEMBERSHIP RESTORED

His Honour *David Moffatt Thomson* gave notice under section 31 that he had resigned as a County Court Judge and wished to be restored to the Rolls of the Law Society. Accordingly, his membership has been restored effective 27 December 1978.

Noted

LIFE MEMBERS

Pursuant to Rule 49, the following are eligible to become Life Members of the Society effective 17 January 1979:

D'Arcy Roosevelt Lee, Q.C.	Dundas
Rowland Francis May, Q.C.	Toronto

Approved

CHANGE OF NAME

The following members have requested that their names be changed on the rolls of the Society and have submitted the required documentation in support:

From	*To*
Sandra Jean Pigott	Sandra Jean *Simpson* (maiden name)
Nancy Lynn Godwin	Nancy Lynn Godwin *Lamont* (married name)

The following student members have requested that their names be changed on the rolls of the Society and have submitted the required documentation in support:

From	*To*
Elaine Sheri Holtzer	Elaine Sheri *Kirshenbaum* (maiden name)
Lillian Vine Fireman	Lillian *Vine* (maiden name)
Linda Jean Wheeler	Linda Jean *Betts* (married name)
Linda Kathryn Wasylyk	Linda Kathryn Wasylyk *Perlis* (married name)

Approved

John Anthony MacVicar	Willowdale

Approved

REQUEST FOR MEMBERSHIP IN ABEYANCE

A request was received from *Vernon M. Singer,* Q.C., a member of the Ontario Municipal Board, to have his membership placed in abeyance in the same way as members of the Federal Tax Review Board. His letter was before the Committee.

The Committee recommended that his request be denied.

REFUND OF ANNUAL FEES

The following persons ceased to be members prior to the end of November 1978 and in each case a refund was made of the annual fee paid for 1978–79:

Monte Goldwyn Singer, Q.C.	(died 11 October 1978)	$270
James Edward Bullbrook, Q.C.	(died 27 October 1978)	$270
Barry Alan Monaghan	(died 28 October 1978)	$270
Nathaniel Herbert Shaw, Q.C.	(died 11 November 1978)	$ 10
Glyn Reid Stanger, Q.C.	(died 24 November 1978)	$270
George Thomas Mitches	(died 25 October 1978)	$270

Noted

NOTIFICATION OF SUSPENSION

A letter from a Local Master and Local Taxing Officer in Ottawa requesting wider notification of suspension of members was before the Committee.

The Committee considered that the notification now made, which includes advising the Supreme Court Office, is adequate and recommended that no action be taken in respect of the request.

ANNUAL FEES – QUESTIONS FROM MEMBERS

Several members have raised questions regarding annual fees. Some of the questions relate to the Compensation Fund levy which is now paid by all members who pay annual fee whereas before 1978–79 newly-called members, retired members and members outside of Ontario were exempt from this levy.

Suggestions have also been received from members who feel that a graduated fee schedule would recognize the disparities in lawyers' incomes and relieve hardship amongst newly-called members.

The Committee had before it correspondence from several members, including one letter which was before the last meeting but which was allowed to stand.

Dealing first with the Compensation Fund levy, the writers suggested that members who could never be responsible for claims on this fund should be exempt from contributing to it. This would apply to those out of the Province and possibly retired members who do not qualify for exemption from annual fee.

Secondly, as regards graduated fee, the following is a brief summary of membership by longevity:

Members called 1974 to 1978	4,294	36%
Members called 1969 to 1973	2,510	21%
Members called prior to 1969	5,025	43%
	11,829	

Because of the weighting of the Society's membership in recent years, it follows that any reduction in fee for newly-called members would have a corresponding impact on the fee required from older members if the Society's fee income were to be maintained at current levels. For example, if the fee for members called in the last five years would be reduced by $50 and the fee for members called six to ten years ago were to remain unchanged it would be necessary to increase the fee for members called more than ten years ago by $43.

An alternative to graduating the fee by year of call would be to have a category for members not practising or not in Ontario. The current analysis of fee-paying membership is as follows:

Practising (sole practitioners, partners, associates and employees of law firms)	9,250

as relating to the current fiscal year of the Society, i.e., the year ending 30 June 1979.

2. Payment of the Initial Fee now means that members will be billed for a Renewal Fee in a like amount concurrently with the next Annual Fee due 1 October 1979. Cut-off date to be the end of the financial year.

3. Life Members are exempt from Preferred Area of Practice fee in accordance with Rule 49.

ARREARS OF ANNUAL FEES

Under section 36 of The Law Society Act, if a member fails to pay any fee or levy payable to the Society within four months of the date on which payment is due, the member is liable for suspension for non-payment. The Annual Fee for 1978/79 was due on 1 October 1978. Notices of Fees due were mailed to the profession on 11 September 1978. Reminder notices were sent on 13 November and 11 December to those in arrears at that time.

It was recommended that those members who are still in arrears be advised that the Committee will recommend to Convocation on 19 January 1979 that if their fees are still unpaid by 31 January 1979 their rights and privileges be suspended on 1 February 1979 for a period of one year and from year to year thereafter or until their arrears of fees are paid.

Approved

LAW SOCIETY PENSION PLAN

Standard Life Assurance Company submitted its account for $1,510.53 for actuarial and consulting fees, including the preparation of the triennial Actuarial Valuation Report.

Approved

ARCHITECT'S ACCOUNT

Mr. A. Heeney, the Society's Architect, submitted an account dated 15 December 1978 in the amount of $1,219.55 for services in connection with moving the Law Society Library from the third floor to the basement at 145 Queen Street West.

Approved

AIR CONDITIONING EQUIPMENT MAINTENANCE

Trane Service Agency (Toronto), (D'Arcy Sweeney Ltd.) has submitted an inspection and maintenance service agreement at a cost of $1,414, provided the contract is received before 15 January 1979. If the contract is received after that date the cost increases to $1,541. The Committee was asked to approve this and to authorize the Secretary to sign the contract on behalf of the Society without waiting for the approval of Convocation.

Approved

MUNICIPAL TAXES

The Society received a Special Assessment regarding Sewers from the City of Toronto, amounting to $1,776.20. The Secretary attended a Court of Revision on 14 December 1978 and the Society was granted exemption from the Assessment.

Noted

SUB–COMMITTEE ON SALARIES

The Committee was asked to appoint a Sub-Committee on Salaries to review the salaries of all employees and make recommendations to be effective 1 July 1979.

The Committee appointed Mr. Brulé (Chairman) with Messrs. Pallett and Ground.

DISCIPLINE

Difficulty has been experienced in securing suitable candidates for two positions in the Audit Department. One of these positions is newly created and candidates have been sought since 1 July 1978. The second arises through the resignation of Mr. George Bennett on 31 December 1978.

The Committee was asked to approve the engagement of

Haskins & Sells Management Consultants to search for suitable persons.

Approved

IRON FENCE

The Society's Architect, Mr. A. Heeney, submitted a report dated 15 November 1978 regarding the progress on the project for renewal of the iron fence. His report is as follows:

> "Progress on this project has been slower than anticipated due to several weeks delay in working on the east section of the fence while the City were laying the new Queen Street sidewalk and problems with the Contractor for the stone base, not carrying out the repairs required.
>
> Weather permitting, it is expected that all stone, iron and concrete work, with the exception of items listed below, will be installed and ready for grouting, caulking and painting by December 8th, 1978.
>
> Work that may have to be held over the winter for completion in April 1979 is as follows:
>
> (a) Caulking the last section of the fence, from the east gates, east to Nathan Phillips Square.
>
> (b) Painting the cow gates and the east section of the fence, mentioned in (a) above.
>
> (c) Grouting under the stone plates along the east section of the fence.
>
> (d) Installation of approved ornaments along the inner plate of the lower top rail."

Noted

TELEPHONE SERVICE

The Finance Administrator reported as follows:

> "Following an unusual number of complaints, we asked the Bell to carry out a busy-line survey. The result of this is a recommendation to add another trunk line, making 16 in all, at an added cost of $42.60 per month.
>
> At the same time, the Bell is recommending a change to a

> different Central Office, i.e. a completely new telephone number for the Society. This change cannot be deferred any longer – already 3 of our existing trunk lines are not in the numeric sequence following 362-4741. To bring all our lines back into sequence means a change of Central Office.
>
> We also need to make a minor change in our equipment to make more night lines available. A number of persons require night lines and a change involving approximately $10 per month is needed.
>
> Another change being contemplated is the installation of an OUTWATS line with the object of reducing expenditure on long distance calls. Installation of an OUTWATS line covering area codes 591, 613 and 705 has a potential saving, based on a one month sample, of $71 per month.
>
> The disadvantage of the OUTWATS system is the loss of departmental accountability for long distance costs. At present, long distance calls are billed departmentally by using individually assigned numbers. For example, a member of the Bar Admission Course staff making a call gives the originating number as 362-4746 rather than 361-4741. The monthly billing for the Bell is received with separate pages for 4740, 4741, 4742 etc. Thus the bill can be verified and allocated by department."

The Committee recommended that a trunk line be added and that the OUTWATS system as recommended be instituted.

THE REPORT WAS ADOPTED

. . . .

MOTION TO SUSPEND: ARREARS OF ANNUAL FEES

It was moved, seconded and *carried* that those Barristers and Solicitors whose fees are still in arrears on 31st January, 1979, be suspended from practice on 1st February, 1979, for a period of one year and from year to year thereafter, or until their fees are paid.

Of the 277 Barristers and Solicitors whose names were before Convocation on 19th January, 1979, 79 were suspended as of 1st February, 1979. 39 were subsequently reinstated and the following 40 are still suspended:

Gerald Montague Adler	Israel
Gerhard Petersen Andary	Don Mills
Jeffrey Gordon Andrews	Calgary, Alberta
Wendy Howard Baker	Richmond, British Columbia
Nancy Lee Boston	Toronto
Anthony Bastiaan Bouma	Ottawa
John Thomas Carvell	Ottawa
Loris Chapman	Scarborough
Redmond Joseph Chartrand	Ottawa
John Francis Costello	Calgary, Alberta
Norman Terrance Demeza	Ottawa
Arthur Grant Evans	London
William Roderick Forsythe	Rexdale
Edwin Albert Foster	Calgary, Alberta
Kenneth James Gorman	Kingston
William Leonard Matthew Greene	Port of Spain, Trinidad
Catherine Mary Harper	Guelph
James Benjamin Haslam	Manchester, England
Eric George Haythorne	Washington, D.C., U.S.A.
Aaron Hermant, Q.C.	Downsview
Anna Catharina Hoff	Edmonton, Alberta
Lynn Ruth Hurley	Ossining, New York, U.S.A.
Michael Joseph Kierans	Vancouver, British Columbia
Michael Stephen Krepakevich	Islington
Alan David Libman	Beverly Hills, California, U.S.A.
Robert Simson Mackay, Q.C.	London
Roderick Watson MacLean	Ottawa
Merike Madisso	Toronto
Dorothy Jeanne Mallory	Toronto
Joseph Markey	Calgary, Alberta
Andrew John Martyn	Toronto
John William McIsaac	Halifax, Nova Scotia
Charles Vidana Patirana	Scarborough
Robert Paul Robert	Hamilton
Mark Christopher Ross	Halifax, Nova Scotia
Robert Hundley Smithers	Sarnia
Mark Edwin Turcot	Mandeville, Quebec
Harry Joseph Waldman	Toronto

Karin Betty Wells	Ottawa
Conrad Albert Willemse	Edmonton, Alberta

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DISCIPLINE COMMITTEE–Mr. Lochead

GENERAL

Mr. G. H. Lochead, Chairman, presented the Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 11th January, 1979.

The following members were present: Messrs. Carnwath (Vice-Chairman acting as Chairman), Carrier, Cass, Chappell, Kellock, Pomerant, Ruby and Mesdames Legge and Sutherland.

Several matters were considered and the appropriate instructions were given.

THE REPORT WAS ADOPTED

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COMPENSATION FUND SUMMARY

Mr. J. D. Carnwath, Vice-Chairman, presented the Compensation Fund Summary for the period ended 31st December, 1978.

COMPENSATION FUND

For the Period from 1st July, 1978 to 31st December, 1978

(6 months)

TOTAL RECEIPTS	$ 371,284.30
TOTAL DISBURSEMENTS	$ 62,576.27
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 308,708.03

BALANCE OF FUND at beginning of period	$1,566,550.49
BALANCE OF FUND at end of period	$1,875,258.52

RESUME OF GROSS OUTSTANDING CLAIMS

CLAIMS RECEIVED and in the course of being processed as of 31st December, 1978	$4,163,660.87
TOTAL PAID to 31st December, 1978 from the commencement of the Fund on account of 1,032 claims of 116 former solicitors	$4,242,447.26

THE SUMMARY WAS RECEIVED

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LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 10th January, 1979.

The following members were present: John D. Bowlby, Chairman, and Messrs. Barnes, Carnwath, Chadwick, Courtemanche, Ellis, Ferrier, Mrs. Fleming, Mr. Guthrie, Mrs. Jarmain, Messrs. Jones, Lamb, Michon, Orkin, Ruby, Shaffer, Mrs. Smyth, Mrs. Tait, Mr. Wallace.

Sidney Linden, Q.C., Toronto, was also in attendance as an observer from the Criminal Lawyers Association.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95 (2), for the eight month period ended November 30, 1978, shows that payments from the Legal Aid Fund exceeded budget by $319,000. Funds designated for community clinics were underspent by $52,000. Therefore, payments for the Legal Aid operation exceeded budget by $371,000 as follows:

Over budget	$	$
Duty Counsel payments	42,000	
Criminal certificate accounts	339,000	
Civil certificate accounts	263,000	
Student Legal Aid Societies	45,000	689,000
Under budget		
Legal Advice certificate accounts	46,000	
Salaried Duty Counsel project	5,000	
Area Office costs	94,000	
Provincial Office costs	173,000	318,000
Net payments over budget		371,000

Note: The $45,000 overspent on Student Legal Aid Societies is recoverable from the Youth Secretariat Experience '78 Programme.

Income from sources other than the Province of Ontario was over budget by $333,000 as follows:

Law Foundation	62,000
Client contributions	152,000
Costs recovered	89,000
Miscellaneous income	30,000
	333,000

Therefore, in net cost terms, the fee-for-services component of the Plan is over budget by $38,000 ($371,000 – $333,000).

As at November 30, 1978, there was a balance in the Fund of $49,000.

Accounts receivable past due more than 90 days

	At Nov. 30, 1978	*Last month*	*Last year*
Value	$1,720,200	$1,695,200	$1,498,100
% of total receivables	61.3	61.3	58.4

Statistics

The following table compares reported activity for the first eight months of this fiscal year with the activity for the same period in the previous fiscal year:

	8 months ended *Nov. 30, 1978*	 *Nov. 30, 1977*	*% Change from* *last year*
Informal applications	77,693	64,203	+ 21.0
Applications for certificates	74,523	71,141	+ 4.8
Refusals	23,906	23,478	+ 1.8
As percentage of applications	32.1	33.0	
Certificates issued	53,924	51,661	+ 4.4
Persons assisted by Duty Counsel:			
Fee for service	98,334	94,944	
Salaried Duty Counsel	23,665	17,926	
Total	121,999	112,870	+ 8.1

The following is an analysis of assistance provided to persons who contacted area offices across the province. This analysis excludes the activity of duty counsel.

	8 months ended *Nov. 30, 1978*		*8 months ended* *Nov. 30, 1977*	
	No.	%	No.	%
Total persons seeking assistance (Informal and formal applications)	152,216	100.0	135,344	100.0
Advice and referral (Informal applications)	77,693	51.0	64,203	47.4
Certificates issued	53,924	35.4	51,661	38.2
Unassisted persons	20,599	13.6	19,480	14.4
	152,216	100.0	135,344	100.0

Write-Offs

George E. Wallace, Vice-Chairman, approved the write-offs of the following total of amounts due to the Legal Aid Fund: $9,367.71.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Activity

	1978/79 Fiscal Year		*1977/78 Fiscal Year*	
	Month of Dec. 1978	*9 Months to Dec. 1978*	*Month of Dec. 1977*	*9 Months to Dec. 1977*
Accounts on hand at beginning	5821	6016	4431	4657

	1978/79 Fiscal Year		1977/78 Fiscal Year	
	Month of Dec. 1978	*9 Months to Dec. 1978*	*Month of Dec. 1977*	*9 Months to Dec. 1977*
Brought forward	5821	6016	4431	4657
Accounts received	4807	47916	4990	46088
Total Accounts to be processed	10628	53932	9421	50745
Less: Files Cancelled	35	316	32	376
Accounts processed	4238	47261	3818	44798
Balance	6355	6355	5571	5571

In addition to the number of accounts for services completed there were:

Interim Accounts	150
Supplementary Accounts	233

Reviews

	December 1978	*9 Months to Dec. 31/78*	*9 Months to Dec. 31/77*
Reviews on hand	293		
Reviews received in	97	1229	914
	390		
Settlements reviewed in	168	998	1044
Settlements awaiting further information	1		
Settlements awaiting review at end of	221		
	390		

Appeals

	October	*November*	*December*
Appeals to Taxing Master received during	–	2	3
Appeals heard by Taxing Master	1	2	–
Appeals pending at the end of the month	4	4	7
Appeals abandoned	–	–	–

DECEMBER MEETING WITH ATTORNEY GENERAL – APPOINTMENT OF A JOINT COMMITTEE

On December 12th, 1978, the Treasurer, John D. Bowlby, Chairman of the Legal Aid Committee, Lee K. Ferrier, Arthur Whealy and the Deputy Director of the Ontario Legal Aid Plan met with the Attorney General to discuss the matters raised in correspondence between the Treasurer and the Attorney General as a result of the Attorney General's address to the Annual Meeting of The Law Society of Upper Canada in October, 1978.

The Treasurer in his letter summarized recommendations which the Attorney General had made in his address which could improve the efficacy of Legal Aid delivery and cost. The recommendations were:

(a) A central research bank to collect, collate and up-date research performed under a legal aid certificate.

(b) The provision of separate services to counsel acting under a legal aid certificate – investigators and paralegal personnel including social workers.

(c) An intensive entry level course for all lawyers wishing to place their names on the criminal legal aid panels – expanding this service by providing clients with information concerning relevant abilities of panel members.

(d) Involvement of senior counsel in training programmes and advising and assisting young counsel.

The Treasurer requested the Attorney General to consider the areas which he wished incorporated into the proposed Legal Aid tariff and, in addition, to consider what areas in the proposed tariff he felt thought should be given to their deletion.

As a result of the meeting a Joint Committee was appointed to implement the several matters discussed at the meeting. The Committee is composed of the following members: Lee K. Ferrier, Chairman, Messrs. Bowlby, Linden, Whealy and McCourt; and Glen Carter, General Manager, Ministry of the Attorney General, A. Campbell, Q.C., Assistant

Deputy Attorney General, and Douglas Ewart, Counsel, Policy Development Division.

The Legal Aid Committee approved the appointment of the said Joint Committee with the following terms of reference:

> To investigate and bring forward to the Legal Aid Committee for approval any recommendations arising from the proposals for improving the existing Legal Aid programme as outlined in the report of the Sub-Committee to Study the Delivery of Legal Aid Services. The said sub-committee's proposals are reflected in the aforementioned summary by the Treasurer.

The Sub-Committee appointed to Study the Delivery of Legal Aid Services was disbanded since the Legal Aid Committee had received the said Sub-Committee's report together with a background paper.

Lee K. Ferrier, Chairman of the Joint Committee, advised the Committee that in order to expedite the matters discussed with the Attorney General, the Joint Committee had met on several occasions.

The Legal Aid Committee after an indepth review of the Joint Committee's recommendations approved the following:

(a) The immediate hiring of a Director of Research to establish a central research bank to be located in the Provincial Director's Office to collect, collate and up-date research performed under a legal aid certificate;

(b) The establishment, as a pilot project, of an investigative facility in the Provincial Office for the use of solicitors acknowledging criminal legal aid certificates. The use of such salaried investigators under the Plan to be limited to the Metropolitan Toronto area.

Mr. Ferrier informed the Legal Aid Committee that consultants from Chicago, who had implemented the use of a full-time investigative staff in the United States, have been requested to come to Toronto to consult with the Joint Committee in order to determine whether it will be necessary to retain the services of such consultants. If such is necessary, the expense will be born by the Ministry of the Attorney General.

The correspondence between the Treasurer and the Attorney General was before the Committee and Convocation.

CLINICAL FUNDING COMMITTEE

The Chairman of the Clinical Funding Committee reviewed with the Legal Aid Committee a letter addressed to board members of the independent community clinics. The letter forwarded a copy of the Attorney General's remarks when the Grange Report was tabled in the Legislature and advised that it would be difficult to implement the report's recommendations prior to the next fiscal year. Therefore, the Funding Committee wished to advise the clinics of policy decisions which will affect the current round of funding applications.

The Clinical Funding Committee requested approval to forward the said letter to the board members.

A copy of the letter was before Convocation.

LEGAL AID COMMITTEE

(a) The Committee approved a recommendation of the Steering Committee that the Attorney General be requested to appoint an observer member to the Legal Aid Committee.

(b) The Committee recommended that Sidney B. Linden, Q.C., Toronto, be appointed a non-bencher member of the Legal Aid Committee to replace Arthur C. Whealy, Q.C., who has accepted an appointment to the County Court Bench.

AREA COMMITTEES

APPOINTMENTS

Norfolk County

Lieutenant John Moore, Chaplain, Salvation Army, Simcoe.

Middlesex County

A. Guthrie, Assistant Crown Attorney, London.

Mr. R. Tietz, Personnel Director, Pumps and Softeners, London.

Hastings and Prince Edward Counties

Peter Wright, solicitor, Belleville.

Elgin County

Mr. Maxwell F. Doan, teacher, St. Thomas.
Richard W. Arnold, solicitor, St. Thomas.

RESIGNATIONS

Elgin County

James Destin, Restaurateur, St. Thomas.

Middlesex County

J. Getliffe, solicitor, London.

Essex County

Edward J. Dube, Q.C., Windsor.

DECEASED

Norfolk County

Ernest A. Whibley, Probation Officer, Simcoe.

Middlesex County

Mr. F. Thwaites, Industrial Relations Manager,
General Steel Wares, London.

THE REPORT WAS ADOPTED

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UNFINISHED BUSINESS – MOTION: FUNDING LEGAL AID

At Convocation on Friday, 17th November, 1978, it was moved and seconded that a special committee of Convocation be appointed to consider alternative ways of funding Legal Aid. Convocation directed that the motion stand.

In presenting the motion again to Convocation, it was suggested that it be changed to read: that a special committee of Convocation be appointed to make a study of the funding of Legal Aid. The seconder agreed.

The motion as changed was *carried.*

. . . .

PROFESSIONAL CONDUCT COMMITTEE–Mr. Cooper

Mr. M. M. Orkin, Vice-Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 11th January, 1979.

The following members were present: Messrs. Orkin (Vice-Chairman acting as Chairman), Chappell (Vice-Chairman), Carnwath, Carrier, McWilliams, Outerbridge, Pomerant, Tobias and Mrs. Sutherland.

1. A member of the profession brought to the Society's attention Section 41 of the Child Welfare Act.

The Committee was concerned as to the effect of this Section on the solicitor/client privilege and instructed the Secretary to obtain an opinion from Professor Robert J. Sharpe. The opinion was received and was before Convocation. Since the matter is somewhat urgent, direction was asked of Convocation.

2. A number of other matters were considered with appropriate instructions being given in each instance.

It was moved, seconded and *carried* that the Report be referred back to the Committee for further consideration.

THE REPORT WAS REFERRED BACK

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LIBRARIES AND REPORTING COMMITTEE– Mr. N. MacL. Rogers

Mr. N. MacL. Rogers, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 11th January, 1979.

The following members were present: Messrs. Norman MacL. Rogers (Chairman), Chappell, Farquharson, Goodman, Mrs. Tait, and Mr. Wallace, and Miss A. R. McCormick.

GREAT LIBRARY

ACCOUNTS

The Secretary submitted the account of Mr. Arthur Heeney, the architect for the Law Society in the amount of $1,219.55. The Committee recommended that, subject to the approval of the Finance Committee, this account be approved.

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

ADDITIONAL BOOKS FOR PURCHASE

The Chief Librarian made a report on a rare book, which had been offered for sale to the Great Library, being a first edition of a work that was first published in 1652. The book is Fitzherbert, Sir Anthony's – *The New Natura Brevium.* She indicated that the Library's rare book holdings would be strengthened by the addition of this volume.

The Committee recommenced that the offer be accepted at $75.

ONTARIO LAW REPORTS

The Chief Librarian reported that some of the early Ontario Reports have deteriorated due to long use and extensive photocopying of decisions for use in the courts. She further reported that Canada Law Book has reprinted a new set beginning with the Ontario Law Reports 1901–1931, 66 volumes at $18 per volume, $1,188, which she recommended for purchase. The Chief Librarian also recommended the purchase of Ontario Reports (O.S.) 32 volumes at $19 per volume, total $608.

The Committee recommended that these two purchases be approved in a total amount of $1,796.

GIFTS AND DONATIONS

The following donation to the Great Library has been received:

Mrs. Eileen Mitchell Thomas, Q.C., Ottawa.	6 volumes of texts

Noted

COUNTY LAW LIBRARIES

SUB–COMMITTEE ON COUNTY LAW LIBRARIES

The Secretary reported that he had received a letter from C. H. Reeves, Q.C., Chairman, Middlesex Law Association Library Committee, requesting a special status grant of up to $15,000 in 1979 for the salary of a professional librarian. This matter was referred to the Sub-Committee for investigation.

The Secretary reported that he had received a letter from D. V. Burnett, C.A., Finance Administrator of the Law Society, suggesting a change in the Society's Regulation so that one grant could be made by the Law Society to each of the County and District Law Libraries. The Committee recommended approval in principle subject to the Sub-Committee working out the details of how much money would be allocated to each county.

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. White

Mr. P. B. Tobias, Vice-Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 11th January, 1979.

The following members were present: Messrs. Tobias (Vice-Chairman), Mrs. Legge, Messrs. McWilliams, Pomerant and Seagram.

1. Eight accounts were approved by the Committee.

2. The Secretary reported that he had received a complaint from a solicitor concerning a client of his that had received a form letter from a consumer liability discharge company. The Committee recommended that this matter be referred to an investigator to obtain further evidence.

3. The Secretary reported that he had received a letter from a solicitor complaining that an individual who was advertising a course to "Incorporate Your Small Business" was in fact not a solicitor. The Secretary was instructed to further investigate this matter.

4. The Secretary reported that he had received a letter that complained about an individual holding himself out as a solicitor. The Secretary was instructed to interview the complainant and find out more details.

5. The Secretary reported that he had received a complaint from a solicitor that a law student was sending form letters to solicitors indicating that he would do corporate searches for legal firms. The Secretary was instructed to write to the solicitor stating that the student was not doing anything improper as he was not giving legal advice.

6. The Secretary reported that he had received a complaint from a solicitor concerning an individual advertising in a newspaper that he could incorporate companies for $100 plus government fees. The Committee recommended that the individual be prosecuted for holding himself out as being a solicitor contrary to Section 50 of The Law Society Act.

7. The Secretary reported that he had received a complaint concerning an agency which held itself out as being able to incorporate companies. The Committee recommended that the individuals who run the agency be prosecuted for holding themselves out to be solicitors contrary to Section 50 of The Law Society Act.

8. The Secretary reported that he had received a complaint from a solicitor about a newspaper article describing a service that advises the public on family law matters. The service was

the subject of an investigation which disclosed that the individuals operating the service are lay persons. The Committee recommended that the two individuals who operate the service be prosecuted for holding themselves out as solicitors contrary to Section 50 of The Law Society Act.

9. The Secretary reported that he had received several complaints from solicitors concerning the solicitation by a Florida attorney and a Quebec solicitor of individuals in Ontario who were urged to commence law suits in California. The Secretary was instructed to obtain permission from the complaining solicitors to send the documents to the Quebec Bar Association, the Florida State Bar Association and the California State Bar Association.

10. The Secretary reported that he was in receipt of a letter complaining about a Notary Public who was advertising in an ethnic newspaper and holding himself out to be a solicitor. The Committee recommended that the Notary Public be prosecuted for holding himself out as a solicitor contrary to Section 50 of The Law Society Act.

11. The Secretary reported that he has received a complaint from a solicitor concerning an advertisement which appeared in the Ontario Reports and which stated that trade mark searches, including opinions if required, would be made by the company placing the advertisement. The Secretary was instructed to ask the company to revise the wording of its advertisement and to submit the revised wording to the Committee.

12. The Secretary reported that he had received a complaint from a solicitor enclosing a copy of a card which indicated that a law clerk was offering legal services. The Secretary was instructed to write to the law clerk and to ask him to delete the words legal services from his card.

13. The Secretary reported that he had received a letter complaining that an individual was acting as a solicitor on a divorce case. The Secretary was instructed to see whether Legal Aid had issued a certificate to the person who was represented by the lay person in the divorce action.

14. The Secretary reported that he had received a letter complaining that a lay person was holding himself out as a solicitor by using the words "Attorney at Law" in a letter. The Secretary was instructed to investigate this matter and report back to the Committee.

15. The Secretary reported that the usual methods of investigation had failed to produce the necessary evidence of a holding out as a solicitor contrary to Section 50 of The Law Society Act in the case of a divorce agency that advertised that it would draft the documents in a divorce action for $125 plus costs. The Secretary was instructed to have the investigator further investigate the matter and report to the Committee.

THE REPORT WAS ADOPTED

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PUBLIC RELATIONS COMMITTEE–Mr. Carthy

Mr. P. B. Tobias presented the Report of the Public Relations Committee of its meeting on Thursday, 11th January, 1979.

The following members were present: Messrs. Tobias (Acting Chairman), Seagram and Pomerant.

INSTITUTIONAL ADVERTISING

(a) Panels on Family Law Reform Act

In September last, Convocation approved the recommendation that the Society arrange panels of speakers in centres throughout the province to explain to the public the implications of the Family Law Reform Act and that the Attorney General's Department should be asked to supply literature and the filmed presentation to be used by the panelists. Implementation was referred to Mr. Outerbridge.

Mr. Outerbridge's interim report, contained in his letter of January 5th addressed to the Chairman, was before the Committee and Convocation. He reported on preliminary arrangements for production of a pilot programme by CHCH TV.

MONTHLY REPORT

Mr. Stinton's monthly report was before the Committee.

Noted

COUNSEL FEES

A list of the fees paid to Counsel during December, 1978, was before the Committee.

Noted

ADJUSTERS' FEES

Mr. Stinton placed before the Committee a list of the fees paid last month to adjusters under the old Fund, under the 1977 Fund and the 1978 Fund.

Noted

QUARTERLY REPORTS

Quarterly reports re Closed Claims at December 31st, 1978, for the 1977 Fund and the 1978 Fund were before the Committee.

Noted

PRACTICE ADVISORY SERVICE

At Convocation on June 16th last, approval was given to the recommendation that a Practice Advisory Service be instituted as soon as possible. Representatives of the various committees concerned in this development have met and have considered and approved of the following memorandum:

PRACTICE ADVISORY SERVICE

Purpose

Reducing the incidence of negligence claims by improving office management is one of the primary purposes of the Service. It is also hoped that it will reduce calls on the Compensation Fund by correcting faulty practices before they lead to losses. It should provide advice of practical and detailed nature on such matters as tickler systems, real estate search indexes, on one-write and other bookkeeping systems, on the utilization of clerks, secretaries, students and others. It should provide homely counsel to young practitioners on the availability of help from senior lawyers, the Professional Conduct Committee and the Society's auditors. In a general way, advice should be proffered on the overall set-up of the office as it affects the economies of practice and efficiency of the office routine. No doubt there are other areas in which the voluntary service will prove helpful and which experience will reveal.

In addition to being available to those who seek it, the Service could be brought into play where, for example, multiple negligence claims from similar causes indicate that improvement in practising techniques is needed. To be used in this way, it would be desirable to be supported by amendments to the Regulation under The Law Society Act. A section similar to the one which authorizes the auditors to examine records would be appropriate. To include authority to look in files could in some circumstances involve the clients' privilege and an amendment to accomplish this might not be thought necessary and might be difficult to obtain.

Method

Part of the Service is already being given by the Society's audit staff, namely, advice on books and records. Guidance on other matters could best be given by a lawyer with practical knowledge of the running of an office. There are various sorts and sizes of office in towns, cities and small centres. To meet the varying needs, the Service should be able to recruit lawyers from a variety of backgrounds and experiences.

The Service should be directed by a Director responsible to Convocation through the appropriate Committee which might be the Professional Conduct Committee, the Errors and Omissions Insurance Committee, a Special Committee or the Legal Education Committee.

The tenor of the Advisory Service is constructive and positive and allied to Continuing Education. In this sense, it would be appropriate to make it the responsibility of the Legal Education Committee. In addition, it would be more attractive from a member's point of view to seek help from that Committee rather than from the Discipline Committee. Funding the Service under the Legal Education Committee would involve the Society's general funds.

However, the Service is applicable to practising members of the Bar and is aimed at reducing negligence claims and will involve substantial cost. If it were placed under the control of the Errors and Omissions Committee part or all of the cost might be met from that source. It could and should be costed separately so it would be possible to subsidize it from general funds, if that were desirable.

The Director of the Service should be an employee of the Society administratively responsible to the Secretary taking instructions from the Errors and Omissions Insurance Committee through its Chairman.

It might not be necessary or desirable for all those who give advice in the field to be full-time members of the Society's staff. It is not known how much time on the average it will take to advise a practitioner. No doubt follow-up will be thought desirable and for this purpose, the same advisor who first gave assistance should be used. A degree of uniformity in the advice and direction given should be one of the Director's aims.

Organization

One way of organizing the Service would be for the Society to hire and install a Director with a secretary in Osgoode Hall. The Director would receive requests for assistance or be directed to where assistance is needed and perhaps make an initial visit to the office requiring help and then if the matter were a small one, give the necessary advice at once. If analysis and further observation were required, the

"Errors and Omissions Insurance Committee" which in common usage has been shortened to simply "Errors and Omissions".

The Committee recommended that this Committee's name be changed to the "Practice and Insurance Committee".

PATENT AGENTS

In a discussion between the Society's Claims Manager and Gestas Corporation it was agreed:

1. that members practising as Solicitor/Patent Agents are covered for errors and omissions in both areas.

2. that members who, although solicitors, practise only as Patent Agents would be covered for errors and omissions.

3. that those members practising as in (1) above, but maintaining a Patent Agency department staffed by non-lawyers, would be covered.

4. that firms who form separate companies for the handling of Patent Agency work, even if the members of the firm are all directors of the Patent Agency company, are *not* covered for the work of the Patent Agency company.

5. Nos. 1, 2 and 3 above are all, of course, subject to the members having paid their Errors and Omissions levies. If they have obtained exemption by certifying that they are not practising law and have no Solicitor/Client relationships, they will *not* have the otherwise available coverage under the Society's mandatory group insurance programme.

Approved

LIMITATION REMINDER (TICKLER SYSTEM)

At its meeting on November 27th, 1978, the Committee appointed a Sub-Committee of one, Mr. Ian Outerbridge, to devise and recommend to the Committee a simple model tickler system which the Society could recommend to members seeking advice in setting up a limitation reminder technique. The Sub-Committee appreciated that a number of systems both simple and sophisticated are available commercially and that the Sub-Committee's purpose was to design one which would meet minimum standards. A description of such a system which included both a card diary system and a desk diary is set out below:

LIMITATION REMINDER (TICKLER SYSTEM)

Card Diary System

1. Detailed below is a comparatively simple method of compiling and using a central diary system for abeyance control. It is strongly recommended that this system be confined to those matters involving a major degree of responsibility on the part of the lawyer if they are not attended to within the required time limit. For other matters e.g., correspondence, a desk diary is preferable.

2. Required to start a card diary system are:
    a. A card index cabinet 3 inches x 5 inches x 12 inches deep. These can be purchased in single units and stack conveniently if more than one is required.
    b. A supply of cards 3 inches x 5 inches to fit the cabinet.
    c. A set of 3 inch x 5 inch index Cards *with tabs,* one for each month of the year. As some limitation periods extend from one year to the next – or longer – additional provision should be made for the following years.

3. Diary Cards should be completed by the lawyer's secretary, one card only, which should show the following data: –
    a. The day, month and year on which the matter is to be *attended to.* This should be at least one month prior to the limitation deadline.
    b. Name of the client.
    c. Description of subject matter and Service required.
    d. File number.
    e. Name of lawyer responsible for the matter.
    f. A clear note of the deadline date by which the matter is to be *completed.*
    g. A note of any follow up for confirmation of completion of the required service that may be necessary.

4. The completed card should be initialled by the lawyer when he has approved the information and directions thereon and should then be filed in the Card Diary System.

5. One person should be appointed to control the Card Diary System with a specified deputy to act in the absence of the person primarily responsible. No

cards should be inserted or withdrawn from the system except by the person responsible or, in his/her absence, the deputy.

6. Diary 'reminding' will be accomplished by delivery of the diary card to the lawyer responsible or the lawyer carrying his work in his absence.

7. Diary cards can be delivered daily which is recommended as it spreads the workload, weekly or monthly in advance or otherwise as is deemed appropriate.

8. When the diary clerk removes cards for distribution he/she will make photocopies, distribute the cards to the lawyers responsible for the matters involved and file the photocopies in a separate loose-leaf folder as a record of distribution.

9. The diary clerk should also be made responsible for making periodic checks before the deadline date to find out if the matter has been suitable completed. When assured that this has been done, the diary clerk will note, on the photocopy, the date this advice is received and initial the entry.

10. Appropriate directions should be given to the diary clerk for bringing to the attention of the managing partner or other responsible person matters calling for completion in respect of which confirmation (see 9) has not been received.

11. When a writ has been issued but is not being served immediately a second card should be prepared showing the day, month and year by which the writ *must* be served.

    All the precautions and procedures in paragraphs 4 to 10 should again be followed assiduously to avoid missing the deadline date for service.

Desk Diary

It is recommended that in conjunction with the Card Diary System the member should maintain his own Daily Desk Diary where he can record reminders to act on limitation periods that expire within the calendar year, and, on the blank pages that usually follow the calendar year, the dates of reminders for limitations expiring during the following year or years. The latter can be transferred to the following year's Desk Diary and so on to provide additional protection from the risk of missing a limitation.

It is advisable not just to make one entry in the Diary for limitation reminders but three, as follows: –

(i) one month before expiry
(ii) one week before expiry
(iii) one day before expiry

The Desk Diary can also be used for reminder purposes for other matters, e.g., correspondence.

.....

The Committee recommended that this description of a system which meets minimum standards be distributed to all practising members of the Society with appropriate information respecting available commercial systems.

EQUALIZATION FUND AGREEMENT

As part of the premium paid to Gestas the sum of $10 per member is paid into a trust fund to be held for five years and used to increase the amount Gestas receive as premium should loss experience warrant it. Interest on this fund is paid into it and if the fund is not used, it and the interest it has earned will be repaid to the Society.

Arrangements concerning the fund have not hitherto been spelled out in an agreement. It is desirable that they should be. A copy of a draft agreement together with Mr. Stinton's comments on it was before the Committee.

The Committee recommended that Mr. W. L. N. Somerville be retained to act for the Society on settling the agreement.

DEDUCTIBLE – INSURANCE LIABILITY FOR INSURERS COUNSEL'S FEE

Kenneth G. Ouellette acts for a member who has reported a claim under the policy. The insured requested insurers to retain a certain counsel but the insurers in fact retained another who represented the insurer up to and including Examinations for Discovery and who rendered an interim account in the amount of $1,300 which insurers paid and are seeking to recover from the insured. Mr. Ouellette asked whether the policy and particularly coverage C, subsections (a) and (b), oblige the insured to pay the account.

The Committee recommended that Mr. Ouellette be advised that defence counsel fees are subject to the deductible and the bill for $1,300 should be paid by the insured in accordance with coverage C (c).

REAL ESTATE – SHERIFF'S CERTIFICATE – PRACTICE IN WINDSOR

A member practising in Windsor corresponded with the Society respecting the practice of the Sheriff's Office in Windsor with respect to Sheriff's Certificates. He described the practice as follows – "you obtain a Sheriff's Certificate and then you close the transaction. Then you obtain a Sheriff's Certificate up-date. In the meantime, the Sheriff calls the Registry Office and gives the name of any executions, but it is not acknowledged to be binding as it is for general information only. Also it can take an hour before the Registry Office is notified and a name put on the list. Therefore, it is very feasible that an execution can be filed prior to the registration of the deed."

The matter received the attention of a number of Benchers and others but no action was taken to alter the practice. The somewhat lengthy correspondence, together with an appraisal of the situation by Mr. Stinton, was before the Committee.

The Committee recommended that the member be advised that unless the circumstances he describes are changed, he would be advised to complete his search at the Sheriff's Office immediately before closing rather than rely on the necessary information reaching the Registry Office in time.

REPEATERS

Mr. Stinton was asked to produce details of the claims filed by 18 repeaters. That information in respect of 17 of them, the 18th having died, was before the Committee.

The Committee instructed the Secretary to report eight members to the Discipline Committee.

MARSH AND McLENNAN – FEE

Marsh and McLennan, Limited, the Society's brokers in respect of the Errors and Omissions Insurance Policy, are paid on the basis of an agreed fee rather than a commission. Last year their fee was $35,000. In a letter dated 28th December, 1978, Mr. Morland, Assistant Vice-President of Marsh and McLennan, Limited, proposed that the fee for the current year be $42,500. He stated that negotiations in respect of renewal for 1979 involved considerably more work, that daily activity required of the brokers in respect of this policy had increased over the past year and that inflation had affected basic costs.

Approved

. . . .

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:45 P.M.

. . . .

The Treasurer and Benchers had as their guest for luncheon The Honourable Bert J. MacKinnon, Associate Chief Justice of the Court of Appeal of The Supreme Court of Ontario.

. . . .

CONVOCATION RESUMED AT 2:25 P.M.

. . . .

PRESENT:

The Treasurer and Messrs. Bowlby, Brulé, Carnwath, Cass, Chadwick, Fennell, Furlong, R. J. S. Gray, W. Gibson Gray, Ground, Kellock, Mrs. Legge, Messrs. Lochead, McWilliams, O'Brien, Orkin, Pallett, N. MacL. Rogers, W. P. Rogers, Seagram, Mesdames Sutherland and Tait, Messrs. Thom, Tobias and White.

. . . .

ERRORS AND OMISSIONS INSURANCE COMMITTEE
(Continued)

Convocation resumed consideration of the Committee's Report.

It was moved, seconded and *lost* that a Practice Committee be formed to be responsible for the Practice Advisory Service and that the Errors and Omissions Insurance Committee be renamed the "Insurance Committee".

Mr. W. Gibson Gray took no part in the discussion and did not vote.

THE REPORT WAS ADOPTED

. . . .

BUILDING COMMITTEE – The Treasurer

The Treasurer presented the Report of the Building Committee of its meeting on Monday, 11th December, 1978.

The following members were present: Messrs. Finlayson (Chairman), W. G. Gray and Thom. Mr. Heeney was also present.

BUILDING PROGRAMME – PROJECT NO. 75–01

(a) The following letter from Mr. Heeney, dated 8th December 1978, with respect to overhead costs was before the Committee for consideration:

> " The Contract on the above project, under Appendix "B" (ii) as amended May 12th, 1977 covers a fixed overhead for the duration of the project. Dalton Engineering & Construction (1974) Limited in their letter of April 13th, 1978 point out the many delays caused by circumstances beyond their control, which in turn, delayed completion of their work.
>
> Their claim is based upon an eight weeks delay in completing their work. Due to this delay the work held back had to be completed during the winter months which caused other hidden expenses such as temporary heat and removal of snow within the working areas.
>
> In my opinion this claim is justified and I recommend your approval for the sum of $8,474.00.
>
> A further claim has now been made for an additional sum of $9,890.75 under the same section of the Contract, from April to completion of the Contract. From the data sheet submitted by Mr. Dalton he has had considerable additional expenses since April 1978. See the hand written data sheets attached, indicating an additional overhead cost of $19,781.50. The letter from Dalton Engineering & Construction (1974) Limited of April 13th, 1978 states that any

> additional fixed overhead after April 10th, will be absorbed by them. Under these circumstances I have advised Dalton Engineering & Construction (1974) Limited that I would present this claim for your consideration.
>
> From the start Mr. Dalton took complete charge of this project and made it his personal responsibility throughout. I suggest you give this claim your favourable consideration."

The Committee recommended that the claim of $8,474.00 be *approved.*

With respect to the claim for an additional sum of $9,890.75, the Committee recommended that Dalton Engineering & Construction (1974) be advised that further particulars should be submitted to support the claim.

(b) A letter dated 6th December 1978 from Mr. Heeney which provides a summary of the Change Orders issued to date was before the Committee.

Noted

(c) Mr. Heeney advised that 250 feet of needed storage space can be created in the basement near the elevator at a cost of $4,500.

Approved

(d) Mr. Heeney reported that he had covered the skylight to prevent ice from the roof breaking it. The skylight may have to be closed off. Mr. Heeney will report further after the experience of the winter's ice conditions.

Noted

THE REPORT WAS ADOPTED

....

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. R. W. Cass presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 11th January, 1979.

The following members were present: Messrs. Pepper (Chairman), Cass and Henderson.

STUDENT APPLICATIONS

The Committee had before it two applications for grants from students together with a memorandum from the Assistant Director of the Bar Admission Course in which it is recommended that no grants be made. The Committee accepted the Assistant Director's recommendation and accordingly recommended that no grants be made.

The Committee also had before it a third application from a student who had failed the Bar Admission Course because of medical difficulties. Subsequently he was granted permission to take the examinations in the subjects he had failed and if successful, to be called to the Bar. Meanwhile, he is in dire financial straits. On the basis of information supplied by the applicant's counsel, grants were made to the applicant on two previous occasions. On the basis of further information supplied by the applicant's counsel, the Chairman authorized an immediate grant to the applicant. The Chairman requested ratification of his action. The Committee recommended that the application be approved and the Chairman's action ratified.

APPLICATION

The Committee considered an application for a further grant from an applicant who had received a number of grants from the Bequest Fund. The Committee recommended that the applicant be invited to renew the application and asked to supply up-to-date financial information.

THE REPORT WAS ADOPTED

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LEGISLATION AND RULES COMMITTEE–
Mr. Furlong

Mr. P. G. Furlong, Chairman, presented the Report of the Legislation and Rules Committee of its meeting on Thursday, 18th January, 1979.

The following members were present: Messrs. Orkin (Vice-Chairman in the Chair), Furlong (Chairman), and Mrs. Legge. Mr. Thom attended at the Committee's request.

SECTION 28 OF THE LAW SOCIETY ACT

Recently, an American citizen who is a full-time member of the Faculty of an approved Law School applied for call to the bar under section 9 of the regulation. Section 28 of the Act does not refer to the fact that law teachers must also be Canadian citizens. This Committee was asked to amend section 28 of the Act so that it requires candidates for call to the bar under section 9 of the regulation to be Canadian citizens or other British subjects.

Section 28 presently reads in part:

> "28.(c) the persons, being Canadian citizens or other British subjects,
>
> (i) who are members on the 1st day of October, 1970, or
>
> (ii) who after that day successfully complete the Bar Admission Course and are called to the bar and admitted and enrolled as solicitors, or
>
> (iii) who after that day transfer from a jurisdiction outside Ontario and and are called to the bar and admitted and enrolled as solicitors,
>
> are members and entitled to practise law in Ontario as barristers and solicitors;"

The Committee recommended that the word "or" be inserted after the word "solicitors" in subclause (iii) and that a new subclause (iv) be added so that clause (c) of section 28 as amended reads as follows:

> 28.(c) the persons, being Canadian citizens or other British subjects,
>
> (i) who are members on the 1st day of October,

1970, or

(ii) who after that day successfully complete the Bar Admission Course and are called to the bar and admitted and enrolled as solicitors, or

(iii) who after that day transfer from a jurisdiction outside Ontario and are called to the bar and admitted and enrolled as solicitors, or

(iv) who are full-time members of the faculty of a law school or deans of a law school in Ontario and called to the bar and admitted as solicitors pursuant to the regulation,

are members and entitled to practise law in Ontario as barristers and solicitors;

SECTION 31 OF THE LAW SOCIETY ACT – EFFECT OF APPOINTMENT TO BENCH

The Finance Committee in its November 1978 report recommended that an amendment be sought to section 31 of the Act to make it clear that the membership of a member of the Society goes into abeyance on appointment to a full-time judicial office anywhere in Canada. Upon leaving such office, membership would be restored as the present section now provides.

Section 31 of the Act presently reads:

> "31. The membership of any member or former member who has assumed office or hereafter assumes office as,
>
> (a) a full-time judge under any Act of the Parliament of Canada; or
>
> (b) a full-time judge under The Provincial Courts Act, or The Small Claims Courts Act; or
>
> (c) the Senior Master or a full-time master or a full-time assistant master or a full-time local master of the Supreme Court or a full-time taxing officer,
>
> is, while he continues in any such office, in abeyance, and, upon his ceasing to hold such office, shall be restored by his giving notice in writing to such effect to the Secretary."

The Committee recommended that clause (b) be amended so that section 31 reads as follows:

> 31. The membership of any member or former member who has assumed office or hereafter assumes office as,
>
> (a) a full-time judge under any Act of the Parliament of Canada; or
>
> (b) a full-time judge under any statute of any of the Provinces of Canada; or
>
> (c) the Senior Master or a full-time master or a full-time assistant master or a full-time local master of the Supreme Court or a full-time taxing officer,
>
> is, while he continues in any such office, in abeyance, and, upon his ceasing to hold such office, shall be restored by his giving notice in writing to such effect to the Secretary.

THE REPORT WAS ADOPTED

....

CONVOCATION ROSE AT 3:30 P.M.

....

Read in Convocation and confirmed 16th February, 1979.

G. D. FINLAYSON
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 16th February, 1979
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Brulé, Bynoe, Cass, Chadwick, Chappell, Chilcott (after his election), Farquharson, Furlong, R. J. S. Gray, Ground, Henderson, Mrs. Legge, Messrs. McWilliams, Ogilvie, Orkin, Outerbridge, Pallett, Pepper, N. MacL. Rogers, Seagram, Sheard, Strauss, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wallace and Zahoruk.

....

MINUTES

The Minutes of Convocation of 19th January, 1979 were read and confirmed.

....

ELECTION OF BENCHER

A vacancy having been caused in Convocation upon Roger E. Salhany of Owen Sound being sworn in as a Judge of the County and District Courts of Ontario at Kitchener on 19th January, 1979, Convocation proceeded to elect a qualified candidate in accordance with the provisions of Section 22(2) of The Law Society Act.

It was moved, seconded and *carried* that Mr. *W. Dan Chilcott,* Q.C. of Ottawa be elected a Bencher to fill the vacancy in Convocation.

The Treasurer welcomed Mr. Chilcott to the Bench.

....

APPOINTMENT OF SPECIAL COMMITTEE

The Treasurer informed Convocation that in accordance with the authority given by Convocation on 19th January, 1979, he had named a *Special Committee on Funding Legal Aid* consisting of Mr. G.E. Wallace, Chairman, and Messrs. Carnwath, O'Brien, Ogilvie and Ruby.

. . . .

DINNER FOR LORD DENNING

The Treasurer announced that a dinner will be given in the Benchers Dining Room in honour of Lord Denning on Tuesday, 17th April, 1979, and that notices will go forward to the Benchers very shortly. Because of the expected response, he urged those Benchers who wished to attend to reply by telephone within one week of receipt of the notice.

. . . .

PROFESSIONAL ORGANIZATIONS COMMITTEE – STAFF STUDY (9TH FEBRUARY, 1979)

The Treasurer referred to the Staff Study prepared by the Research Directorate of the Professional Organizations Committee and released 9th February, 1979. Among the proposals advanced in the Study are removal of restrictions on price and non-price advertising, that a Standing Committee of the Legislature receive an annual report from the Society and a report on its disciplinary processes, and that professional policy be reviewed every 10 years by a select committee. It proposes that prosecutions for unauthorized practice become the responsibility of a government ministry, that lawyers should be permitted to incorporate their practices and that multi-disciplinary professional firms should be licensed to practise through the corporate form. The Society's Special Committee is studying the proposals and will make written submissions to the Professional Organizations Committee which intends to hold public hearings late in June with two days being devoted to the legal profession. Convocation agreed that members should be urged to obtain the Study which is available from the Queen's Printer.

. . . .

SOCIETY'S MAILING LISTS – REQUESTS FOR PERMISSION TO USE

(a) Candidates in Benchers Election 1979

Requests have been received from persons who will be candidates in the forthcoming Benchers Election that the Society's mailing lists be made available to them to assist in presenting themselves for election. Convocation directed that the Society's lists not be made available for this purpose.

Similarly, requests have been received that the Society's mailing lists for student members be made available to persons who are candidates in the forthcoming Benchers Election. Convocation directed that such requests be directed to the student representatives.

(b) Université de Moncton, Ecole de Droit

The Université de Moncton requested the Society to provide it with a mailing list of its French-speaking members so the Université may invite them to the opening of its Ecole de Droit. Convocation directed that the request be refused but instructed that it be suggested to the Université that it place a notice in the Ontario Reports and that the Université be asked if it might wish the Society to publish a note respecting the event in the Communiqué.

. . . .

DISCIPLINE COMMITTEE – Mr. Lochead

GENERAL

Mr. B. C. Bynoe, Vice-Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 8th February, 1979.

The following members were present: Messrs. Carnwath (Vice-Chairman acting as Chairman), Bynoe (Vice-Chairman), Cass, Chappell, Cooper, Furlong, Kellock, Ruby and Mrs. Sutherland.

SUB–COMMITTEE ON TRUSTEESHIPS

In June of 1977 the Committee reported that "over the last several years the Society has been called upon on several occasions to appoint trustees under Section 43 of The Law Society Act to deal with situations where lawyers have disappeared leaving active practices. A Sub-Committee composed of a member of the Policy Section, a member of the Secretariat and one of the Society's auditors is being appointed to consider problems that arise under such appointments and to formulate guidelines to be used in future trusteeships."

Subsequently a Sub-Committee composed of Mr. Kellock as Chairman and Messrs. Anderson and Traviss was appointed. The Report of the Sub-Committee was before Convocation. The Committee recommended its adoption.

It was moved in Convocation, seconded and *carried* that the *Schedule C (Memorandum respecting the Practice Advisory Service)* be referred to the Practice and Insurance Committee for consideration and report to Convocation.

It was moved in Convocation, seconded and *carried* that the *Report of the Sub-Committee on Trusteeships* stand for consideration at a later Convocation.

SECTION 31

In its November 1978 Report, the Finance Committee made reference to questions that had arisen through the appointment of members of the Society to judicial office outside of Ontario. During the course of the debate, the matter of restoration of membership when the person ceases to hold judicial office was raised. A motion was carried that the Committee "be asked to consider proposing an amendment to section 31 of The Law Society Act so that if a judge is removed from office or resigns in circumstances which might have resulted in removal, Convocation will have a discretion whether to permit his membership in the Society to be restored, or such further amendments to this section as may seem desirable".

The Committee after due consideration was of the opinion that this matter should be referred to the Admissions Committee for consideration and recommendation to Convocation.

FAILURE TO FILE FORM 2 REPORTS

Recently instructions were given to issue Complaints against certain members of the profession who had failed to file their Form 2/3 Reports. It was noted that certain defaulters no longer reside in the province. The Committee was asked whether, in the circumstances, Complaints should be issued against these members. The Committee answered in the affirmative.

Noting that members who fail to pay their annual fees or to meet the requirements of the Errors and Omissions Insurance programme are suspended, the Committee recommended that legislation be obtained to permit the suspension of those members who default in the filing of their Form 2/3 Reports.

CREDIT UNIONS AND CAISSES POPULAIRES

The Committee was asked whether the Society's position with respect to the use of Credit Unions and Caisses Populaires as repositories for trust funds should be reconsidered.

A Sub-Committee will be appointed, including the Society's auditor, Mr. Anderson, to work out guidelines for specific recommendation to Convocation.

ERNEST VALORIE SWAIN, Q.C.

Mr. Ernest Valorie Swain, Q.C. of Kingston asked to be relieved of the co-signing arrangement on his trust bank account, which was imposed by Order of Convocation on January 21st, 1977. At present all cheques drawn on Mr. Swain's trust bank account must be co-signed by a chartered accountant. The Order provided that the arrangement continue "until Convocation withdraws the requirement". Set out below is an excerpt from the Communiqué to the profession reporting on the reasons that Mr. Swain was before Convocation.

> "Ernest Valorie Swain of Kingston was reprimanded in Convocation today, required to have a chartered accountant of the Society's choice co-sign withdrawals from trust, file quarterly financial statements concerning his practice for the next two years and pay the costs of the Society's investigation of approximately $2,500. Though no one suffered any damage he had used about $20,000 belonging to one client without providing the expected security and

> borrowed $20,000 from another client in contravention of Ruling 14 of the Rules of Professional Conduct."

Mr. Swain requested that Convocation relieve him of the co-signing arrangement since he now has an associate practising law with him and in his words as a result of the co-signing arrangement "the present situation has become somewhat cumbersome". He has noted that a further associate will be added to the firm as of May 1st, 1979. Mr. Swain is most anxious to have his associate commence signing cheques in his own capacity on the client trust account as soon as possible. The solicitor was required to meet certain filing requirements with respect to his practice for a period of two years and to pay the costs of the Society. The solicitor has complied with both requirements.

The Committee was not prepared to recommend to Convocation that Mr. Swain be relieved of the co-signing requirement.

THE REPORT AS AMENDED WAS ADOPTED

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AGENTS PROVOCATEURS

The Treasurer wished to make clear Convocation's position with respect to the use of agents provocateurs.

Convocation approves the use of agents provocateurs in appropriate cases, generally where it is suspected that members are giving kickbacks to real estate agents or others. The earlier motion (Convocation, 17th March, 1972) providing for the engagement of agents provocateurs in specific instances is still in effect.

. . . .

COMPENSATION FUND

Mr. Bynoe presented the Compensation Fund Summary for the period ended 31st January, 1979:

COMPENSATION FUND SUMMARY

For the Period from 1st July, 1978 to 31st January, 1979

(7 months)

TOTAL RECEIPTS	$ 403,851.50
TOTAL DISBURSEMENTS	$ 62,701.27
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 341,150.23
BALANCE OF FUND at beginning of period	$1,566,550.49
BALANCE OF FUND at end of period	$1,907,700.72

RESUME OF GROSS OUTSTANDING CLAIMS

CLAIMS RECEIVED and in the course of being processed as of 31st January, 1979	$4,858,883.31
TOTAL PAID to 31st January, 1979 from the commencement of the Fund on account of 1,032 claims of 116 former solicitors	$4,242,447.26

THE SUMMARY WAS RECEIVED

. . . .

LEGAL EDUCATION COMMITTEE – Mr. Pallett

Mr. J. C. Pallett, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 8th February, 1979.

The following members were present: Mr. J. C. Pallett, Chairman, Messrs. Brulé, Carthy, R. J. Gray, Ground, Orkin, Outerbridge, N. MacL. Rogers, Thom and Mrs. R. M. Tait.

FACULTY APPOINTMENTS –
Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 5th, 1978:

(a) **Real Estate and Landlord and Tenant Section**

Stand-by Instructor (Ottawa): Bernard Guertin.

(b) Estate Planning Section

Stand-by Instructor (Toronto): M.R. Moher.

(c) Administration of Estates Section

Group Instructors (Toronto): W.P.G. Allen, J.D. DeSipio, Ms. Mary Lou Dickson, M.M.K. Fitzpatrick, Maxwell Gotlieb, R.J. Sanderson, John Spina, T.A. Sweeney, Ms. Marni Whitaker.

Stand-by Instructor (Toronto): Edward Burstein.

(d) Criminal Procedure Section

To continue as Head of Section: R.J. Carter, Q.C.

Group Instructors (Toronto): J.D. Crane, David Doherty, A.D. Gold, B.H. Greenspan, Douglas Hunt, G.P. Johnstone, G.R. Kluwak, G.S. Lapkin, R.D. Manes, Morris Manning, M.J. Moldaver, H.F. Morton, W.J. Parker, Marc Rosenberg, M.A. Wadsworth, J.D. Watt, P.H. Wilkie.

Group Instructors (Ottawa): J.C. Barnabe, John Cassells, J.A. Cogan, R.E. Houston, P.F.D. McCann, C.D. McKinnon, L.M. Shore.

Group Instructors (London): J.N. Buchanan, Norman Peel, J.M. Neilson, A.H. Little, J.H. Melnitzer.

Stand-by Instructors (Toronto): J.B. Johnston, S.B. Linden, W.M. Trudell.

Stand-by Instructors (Ottawa): D.B. Bayne, A.S. Fradkin, M.J. Neville.

Stand-by Instructors (London): J.H. Eberhard, B.W. Long, M.E. Martin.

Approved

BAR ADMISSION COURSE – ONTARIO COUNCIL ON UNIVERSITY AFFAIRS

The Director received from the Minister of Colleges and Universities a copy of the Ontario Council on University Affairs Advisory Memorandum 78-I entitled government support for the university system in 1979-80. The memorandum together with the Minister's covering letter to the Director, dated January 4th, 1979 and other enclosed material was before the Committee. No recommendation respecting the amount of a grant-in-aid for the Bar Admission Course was to be found in the report, as has been the case in the past. The Committee required this information in order to deal with the question of the tuition fee for the next teaching term. The directions of the Committee were requested.

The Director was asked to bring to the Committee's next meeting a report on 1979–1980 budget figures and any proposed change in tuition fees.

REPORT OF THE SUB-COMMITTEE REVIEWING THE BAR ADMISSION COURSE

The revised report of the Sub-Committee reviewing the Bar Admission Course was presented by Mr. Carthy, Chairman of the Sub-Committee, with the recommendation that the report be accepted with one minor change.

The Committee recommended that the following report, as so amended, be approved and adopted:

TO THE LEGAL EDUCATION COMMITTEE

REPORT OF THE SUB–COMMITTEE REVIEWING THE BAR ADMISSION COURSE

Your Sub-Committee, composed of J.J. Carthy, Chairman, and Messrs. Brulé, R. J. Gray, Ground, Kellock and Thom was formed in February, 1976. Over this period of time we have been considering whether changes ought to be made to improve the Bar Admission Course in particular and the process of legal education generally.

With the authority of Convocation, we circulated to the profession a tentative proposal which was directed to reducing the numbers of students in the teaching portion of the Bar Admission Course by removing those who could pass a set of examinations in the July following their twelve months of articling. The response from the profession was not remarkable either in numbers or in expression of disapproval or approval of the tentative proposal.

Your Sub-Committee has held meetings with the Law Deans from across Canada and with the Heads of Section in the Bar Admission Course to discuss the tentative proposal and other possible changes to the structure and content of the Bar Admission Course and the subject was further discussed last Fall at the annual meeting of the County and District Law Associations.

The tentative proposal did not meet with strong opposition except from the Heads of Section in the Bar Admission Course who expressed serious objection to any radical change to the present structure of the Course and in particular felt that the proposal would result in a decrease in the quality of training of persons being called to the Bar and that the teaching portion of the Bar Admission Course would be reduced substantially in quality.

Out of all the discussions it became clear that, both within the Sub-Committee and without, there is support for the following approach to the Bar Admission training and your Sub-Committee asks for approval in principle to this approach and for specific approval to implement the recommendations set out at the end of this Report.

A. *General Approach*

1. Students entering the Bar Admission Course ought to be equipped with the fundamentals of substantive law and the function of the Bar Admission Course ought to be to provide them with training, experience, and teaching in the *practical* application of those fundamentals.

2. Students entering articles should be supplied with the materials used in the Bar Admission Course teaching term ended in the preceding February for their assistance during their articling period and to enable them to better prepare for the teaching portion of the Bar Admission Course. These would be replaced in total or by way of replacement pages during the time they are enrolled in the teaching portion of the Bar Admission Course.

3. Students entering law school ought to be advised by the Law Society as to the fundamentals of substantive law which they will be expected to have studied. Such fundamentals ought to be described with sufficient particularity under certain general subject headings. The students should be further advised that the Bar Admission Course materials, teaching and testing will proceed on the assumption that such fundamentals have been mastered by the students.

4. The Bar Admission Course should not attempt to train graduates for sophisticated levels of practice or areas of practice. Such training is available through continuing education courses and through experience after graduation. It is our view that the Bar Admission Course should undertake the training and teaching necessary to assure the public that a graduate of the Bar Admission

Course will be capable of handling the everyday problems of a general practitioner in his early years of practice.

5. We have identified the following seven general subject headings as the areas of practice in which the young general practitioner should have competence:

1. Real Estate
2. Estates
3. Family Law
4. Civil Proceedings
5. Criminal Proceedings
6. Business Law
7. Law Office Management

Taxation will be dealt with separately under an appropriate subject heading and Professional Ethics will be included in each.

6. A "profile" should be drafted for each of the above seven general subject headings and such profile should describe in considerable detail the area to be dealt with in the Bar Admission Course and the area which it is assumed the student had learned prior to his entry into the Bar Admission Course.

7. The seven profiles should be drafted by the Heads of Section in the Bar Admission Course in consultation with representatives of the university law school faculties. When completed and approved by the Legal Education Committee, the seven profiles should be distributed to all students entering law school.

8. New or revised materials ought to be prepared by the Bar Admission Course Heads of Section based upon the Bar Admission Course portions of the seven profiles. When such new materials have been prepared, they would then be issued to the students at the time they enter articles as outlined in 2 above.

B. *Specific Recommendations*

We therefore recommend the following:

1. *(The Chairman of the Legal Education Committee accepted Convocation's suggestion that recommendation 1 be referred back to the Committee.)*
2. that the appropriate Bar Admission Course faculty personnel be requested to draft, in consultation with appropriate law school professors, the seven profiles under the general subject headings set forth above, for ultimate approval by the Legal Education Committee.

3. that after approval of the profiles, the Bar Admission Course faculty personnel be requested to revise the Bar Admission Course materials in accordance with the profiles.
4. that compensation for the above be settled between the Director of the Bar Admission Course and the personnel involved, subject to approval by the Finance Committee.

This Report makes no mention of timing, in part because we have no knowledge of how long it will take to prepare these profiles, have them approved, and produce materials based upon them. In addition, since we will be advising students in law schools that certain assumptions will be made as to their substantive law knowledge, consideration will have to be given as to how to deal with those students who are already in law school when the announcement is made. This can be better considered when the profiles are brought forward for approval. In the meantime, your Sub-Committee will continue its deliberations.

BAR ADMISSION COURSE – CALL TO THE BAR CONVOCATION

At its meeting on November 9th, 1978 the Committee dealt with changes in the grading policy for the Bar Admission Course and included in its recommendations a provision that candidates who successfully complete the Bar Admission Course after writing supplemental and/or special examinations, shall be entitled to present themselves for call to the bar not later than the end of the third full week in May. The supplemental and special examinations will be written in the week commencing Monday, March 26th, 1979. It was suggested that a Convocation for Call to the Bar be held on Wednesday, May 9th, 1979, in Convocation Hall at Osgoode Hall.

The Committee approved the arrangements and recommended that they should include a speaker and a suitable reception for the graduates and guests.

BAR ADMISSION COURSE – FORM OF APPLICATION FOR ADMISSION

It was recommended that changes be made in the form of application for admission to the Bar Admission Course in accordance with the schedule of changes to the existing form of application, which was before the Committee.

This matter was put over to the next meeting, pending a report from the Director as to the need of requiring applicants to include their Social Insurance Numbers on applications to the Bar Admission Course.

SERVICE UNDER ARTICLES – COURT APPEARANCES

The Treasurer has been conferring with Chief Justice Howland, Chief Justice Evans, Chief Judge Colter, Chief Judge Hayes, Chief Judge Andrews and with the Attorney General respecting the appearances which may be made by student members of the Law Society serving under articles. These consultations are well advanced and a copy of the list under consideration setting out the matters on which articled students may appear was before the Committee. This list has not yet been finally settled in this form and a number of problems remain to be resolved. In part, these problems are set out in correspondence between the Treasurer and the Attorney General. Copies of such correspondence were before the Committee.

Noted

BAR ADMISSION COURSE – ANNUAL MEETING OF HEADS OF SECTIONS

The Director proposed that the Annual Meeting of the Heads of Sections of the Bar Admission Course be held at Osgoode Hall on Wednesday, April 25th, 1979 at 3:30 p.m.

Approved

SPECIAL PETITIONS

The Committee had before it four petitions of a routine nature and approved all four.

The Committee also had before it a fifth petition. The petitioner, a third year student at the Faculty of Law, McGill University, in the National Law Programme, expected to receive both the LL.B. degree and the B.C.L. degree by January 1980 and to have completed all common law studies by April 1979.

The petitioner requested permission to serve under articles from 1st May to 31st August, 1979, then to take four months leave of absence from 1st September to 31st December, 1979, for completion of B.C.L. studies and to serve under articles from 1st January to 31st August, 1980. The petitioner proposed to serve under articles with a solicitor in Thunder Bay who had agreed to these arrangements. The Committee recommended approval of the petition and Convocation on motion duly moved, seconded and *carried* added the proviso that the petitioner must complete the common law studies before beginning to serve under articles.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the seven-month period ending 31st January, 1979, and reviewed a summary of Continuing Education programmes presented in January, 1979, and a publications report for the month of January, 1979.

THE REPORT AS AMENDED WAS ADOPTED

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ADMISSIONS COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 8th February, 1979.

The following members were present: Mr. Ground (Chairman), Mrs. Legge (Vice-Chairman), Messrs. Brulé, R. J. Gray, Pallett, Mrs. Sutherland, and Mr. White.

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further eight candidates having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1978.

Approved

DIRECT TRANSFER

The Committee considered three applications for direct transfer to practice in Ontario. One solicitor from British Columbia and one from the Yukon Territory who had previously been called to the Bar of British Columbia sought to proceed under Regulation 4(1). The third solicitor from Nova Scotia sought to proceed under Regulation 4(1) and 3(1). The Committee approved all three applications.

FULL–TIME MEMBERS OF THE FACULTIES OF APPROVED LAW SCHOOLS

The following member of an approved law faculty asked to be called to the Bar and admitted as a Solicitor without examination under Regulation 9 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200. Professor Evans has been a full-time member of the faculty of Osgoode Hall Law School since July 1975 and a letter confirming this has been received from the Dean. The applicant stated that he had sabbatical leave from July 1977 until December 1977.

John Maxwell Evans Osgoode Hall Law School York University	B.A. Hons. Oxford University England, 1964 B.C.L. Oxford University England, 1965

Approved

COMMON LAW EXAMINATION

The Society received a telephone call from an individual who indicated that he wished to sit the Common Law Examination under the new system when it is in place.

The caller had come to Canada in 1972 as a political refugee from Uganda. He had received an LL.B. Hons. degree from the University of Dar-es-Salaam in 1967, practised law in Uganda from then until October 1968 when he went to the Ministry of Overseas Development and the Foreign Office in the United Kingdom until May 1969. He then returned to Uganda and practised law there until his departure for Canada.

On 9th January, 1975 he appeared before the Admissions Committee with counsel and was granted permission to proceed under Regulation 5, which allowed him to enter the Bar Admission Course upon successfully completing the comprehensive examination on the Common Law. Regulation 5 was repealed in March 1975. On the basis of the approval already given he wrote the examination in December 1976 but failed.

The Secretary asked the Committee whether this applicant may now write the comprehensive examination on the Common Law for the second time for the purpose of entering the Bar Admission Course.

The Committee recommended that he be advised to make his request in writing and give reasons for the delay between the approval and his first writing and between then and his present request.

PETITIONS

The Committee considered three petitions. Two petitioners sought permission for late filing of their applications and to be admitted to student membership in the Society. One petition was approved and the other was approved subject to the Legal Education Committee granting the additional relief being sought by the petitioner.

The third petitioner had applied in April 1978 to the Admissions Committee for permission to proceed under Regulation 4(2). The petitioner, a member of the Quebec Bar who had been called in 1954, had worked with major Canadian corporations and been in private practice in Quebec from that time until 1973 when he came to Toronto. The petitioner is employed by a Canadian corporation in Ontario in an executive capacity and as counsel. He asked for special consideration to proceed under Regulation 4(2) since he was not aware of the

Regulation when he came to this province and had practised law for more than three of the five years preceding his arrival.

Convocation adopted the Committee's recommendation that the application be denied because he had not practised for three out of the past five years in a jurisdiction in which he was qualified to practise.

The petitioner submitted that there is evidence which the Committee did not consider that establishes that though based in Ontario, he nonetheless continued to practise in Quebec for at least three out of the past five years.

The petitioner, represented by counsel appeared before the Committee and counsel made submissions.

The Committee recommended that the petition be approved.

THE REPORTED WAS ADOPTED

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FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 8th February, 1979.

The following members were present: Messrs. Brulé (Acting Chairman), Farquharson, Fennell, Guthrie, Ogilvie and Wilson.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointment to Judicial Office and their membership in the Society will be placed in abeyance upon their assuming office:

Patricia Riley German Toronto	Called – 22 March 1968 Appointed County Court Judge, County & District Courts of Ontario – 1 January 1979

Joseph Charles Kane, Q.C. Willowdale	Called – 27 June 1957 Appointed County Court Judge, Judicial District of York – 1 January 1979
Arthur Carrick Whealy, Q.C. Toronto	Called – 20 October 1961 Appointed County Court Judge, County & District Courts of Ontario – 1 January 1979
Roger Elias Salhany, Q.C. Owen Sound	Called – 10 April 1964 Appointed County Court Judge, County & District Courts of Ontario – 1 January 1979
Richard Gerald Trainor, Q.C. Sudbury	Called – 26 June 1958 Appointed Judge, Supreme Court of Ontario, High Court of Justice for Ontario – 1 January 1979

Deaths

The following members have died:

James Daniel Gordon Whitehead Sudbury	Called – 9 April 1976 Died – 1 December 1978
William Ralph Tuer, Q.C. Toronto	Called – 28 June 1956 Died – 13 January 1979
Ralph Leonard Graham, Q.C. Belleville	Called – 29 June 1949 Died – 20 January 1979

Noted

REQUEST FOR MEMBERSHIP IN ABEYANCE

Gertrude Fuchs Speigel of Toronto was appointed a Family Law Commissioner and Official Referee of The Supreme Court of Ontario in May 1977 and has since sat on a full-time basis in that judicial capacity. Mrs. Speigel was the only lawyer appointed to that office, the other five Commissioners being retired judges who sit on a part-time basis only. By letter dated 29 January 1979, Mrs. Speigel requested that her membership be placed in abeyance since her position is like that of the Masters who qualify under section 31 of The Law Society Act.

The Committee recommended she be advised that her position does not come within the ambit of Section 31.

CHANGE OF NAME

The following members requested that their names be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Carol Elaine McCall Livingstone	Carol Elaine *McCall* (maiden name)
Yolanda Janne Smith	Yolanda Janne *Nowak-Smith* (maiden name)

The following student member requested that her name be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Susan Teresa Sutherland	Susan Teresa *McGrath* (maiden name)

Approved

RESIGNATIONS

The following members requested permission to resign their membership in the Society and submitted their declarations in support:

John Francis Brewin	Victoria, British Columbia
Richard Norman Rafuse	Halifax, Nova Scotia

In each case, the member requested to be relieved of publication in the Ontario Reports.

Approved, without publication in the Ontario Reports.

At its meeting on 9 November 1978, the Committee approved the resignation of *Hugh John Plaxton*, Q.C., subject to publication of his intention in the Ontario Reports. Mr. Plaxton's notice of intention appeared in the issue of the Ontario Reports of 8 December 1978.

The Committee was asked to determine the effective date of resignation.

The Committee recommended he be permitted to resign as of 17 November 1978, without payment of any further fees.

MEMBERSHIP UNDER RULE 50

Retired Members

The following members who are sixty-five years of age and over and who are fully retired from the practice of law, requested permission to continue their membership in the Society without payment of annual fees:

Robert Lochie Algie	Toronto
Jacob Finkelman, Q.C.	Ottawa

Approved

Incapacitated Members

The following member requested consideration of his application as a disabled member to continue his membership in the Society without payment of annual fees:

Gerald Vincent Bender	Toronto

Approved

COMPOSING EQUIPMENT

The Committee was asked to consider a request by the Finance Administrator that additional equipment be acquired for the production of Minutes of Convocation. A used MT/SC Composer and MT/ST Typewriter can be purchased for $6,995.

Approved

INSURANCE

The Society's insurance agents made the following recommendations regarding increasing the Society's present limits of insurance:

1. **Boiler and Machinery**

   At present the limit of liability is $500,000. To increase this to $1,000,000 would cost $42 additional premium annually and to increase to $2,000,000 would cost $111 additional premium annually.

   Approved for the $2,000,000 coverage.

2. **Liability Insurance**

   The present limit of liability is $2,000,000. The additional premium cost to increase coverage to $5,000,000 would be $100 annually.

   At present the Society carries voluntary compensation with a weekly indemnity limit of $75. To increase the indemnity limit to $150 would cost $600 additional premium annually.

   At present the Society has a tenants legal liability limit of $100,000. The additional premium to increase this to $250,000 would be $185 annually.

   Approved

3. **Crime Insurance**

   At the present time the Society carries a limit of $200,000. To increase this amount to $250,000 would cost $38 additional premium annually, and to $500,000 the additional annual premium would be $229.

   Stand for particulars of coverage.

FIRE PRECAUTIONS

The following letter was received from Mr. Arthur Heeney, the Society's Architect:

"*Re: Toronto Fire Department –*
Defect Notice – December 3rd, 1978

In the above Report the Inspector reported many smoke detectors to be in disrepair or painted, thus rendering them inoperative.

Prior to this Report we had agreed it was desirable that the Law Society of Upper Canada undertake their own inspection of the system with a view of having the complete system checked and any deficiencies or replacements made. See my letter to you of December 15th, 1978, paragraph (h).

I have had the Edwards Company inspect your buildings and after making a complete review of your buildings recommend an expenditure of $4,200.00 to make this inspection, plus the cost of any parts that might require replacement, plus time and material costs to carry out the same work in the Great Library and Convocation Hall. If this work is approved and after it has been completed this firm will then offer a Contract for semi annual inspection of the equipment to assure it is in operating condition. I might add that the Ministry of Government Services have their own staff and carry out the same functions in their areas of Osgoode Hall.

In the event you approve the above recommendations I am sure the Toronto Fire Department would accept this as having carried out their requirements."

Approved

"In addition to the above, the Defect Notice requires that you remove the paper storage from the corridor outside the Printing Room, Bar Admission Course Department. It has been agreed with Mr. Collins-Williams that a portion of the Students' Cafeteria, at the north end of this room, could be closed off to provide storage for the paper now in the corridor. The cost of this change is estimated to be $3,000.00."

Approved

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing law associations which had sent in their Annual Returns for 1978 and setting out the amounts of the grants to which they appear to be entitled under the Regulation in 1978 and 1979. The

Libraries and Reporting Committee approved these grants at its meeting on 8th February, 1979, subject to the approval of this Committee.

Approved

THE REPORT WAS ADOPTED

....

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:40 P.M.

....

The Treasurer and Benchers had as their guest for luncheon His Honour Chief Judge W. E. C. Colter of the County and District Courts of Ontario.

....

CONVOCATION RESUMED AT 2:15 P.M.

....

PRESENT:

The Treasurer and Messrs. Brulé, Cass, Chadwick, Chilcott, Farquharson, Furlong, Ground, Henderson, Mrs. Legge, Messrs. McWilliams, Ogilvie, Orkin, Outerbridge, Pallett, N. MacL. Rogers, Seagram, Mesdames Sutherland and Tait, Messrs. Thom, Tobias and Wallace.

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LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. B. Chadwick, Vice-Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 7th February, 1979.

The following members were present: John D. Bowlby, Chairman, and Messrs. Barnes, Carter, Chadwick, Ellis, Ferrier, Harris, Mrs. Jarmain, Messrs. Lamb, Linden, Michon, Nixon, Ogilvie, Orkin, Ruby, Mrs. Tait, Mr. Wallace.

Also in attendance, by special invitation, was A. G. B. Campbell, Q.C., Assistant Deputy Attorney General.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95(2), for the nine month period ended December 31, 1978, shows that payments from the Legal Aid Fund exceeded budget by $501,000. Funds designated for community clinics were underspent by $32,000. Therefore, payments for the major portion of the Plan's operation exceeded budget by $533,000 as follows:

Over budget	*$*	*$*
Duty Counsel payments	48,000	
Criminal certificate accounts	412,000	
Civil certificate accounts	304,000	
Student Legal Aid Societies	57,000	821,000
Under budget		
Legal Advice certificate accounts	52,000	
Salaried Duty Counsel project	5,000	
Area Office costs	52,000	
Provincial Office costs	179,000	288,000
Net payments over budget		533,000

Note: The $57,000 overspent on Student Legal Aid Societies has now been recovered from the Youth Secretariat Experience '78 programme.

Income from sources other than the Province of Ontario was over budget by $484,000 as follows:

	$
Law Foundation	212,000
Client contributions	121,000
Costs recovered	130,000
Miscellaneous income	21,000
	484,000

Therefore, in net cost terms, the fee-for-service component of the Plan is over budget by $49,000 ($533,000 – $484,000).

As at December 31, 1978, there was a balance in the Fund of $360,000.

Accounts receivable past due more than 90 days

	At Dec. 31, 1978	*Last Month*	*Last Year*
Value	$1,753,600	$1,720,000	$1,520,300
% of total receivables	62.2	61.3	59.0

Statistics

The following table compares reported activity for the first nine months of this fiscal year with the activity for the same period in the previous fiscal year:

	9 months ended		*% change from*
	Dec. 31/78	*Dec. 31/77*	*last year*
Informal applications	84,633	70,528	+ 20.0
Applications for certificates	81,641	77,801	+ 4.9
Refusals	26,306	25,997	+ 1.2
As a percentage of applications	32.2	33.4	
Certificates issued	58,966	56,696	+ 4.0
Persons assisted by Duty Counsel:			
Fee for service	110,436	105,139	
Salaried Duty Counsel	26,433	20,053	
Total	136,869	125,192	+ 8.5

The following is an analysis of assistance provided to persons who contacted area offices across the province. This analysis excludes the activity of duty counsel.

	9 months ended Dec. 31, 1978		*9 months ended Dec. 31, 1977*	
	No.	%	No.	%
Total persons seeking assistance (Informal and formal applications	166,274	100.0	148,329	100.0
Advice and referral (Informal applications)	84,633	50.9	70,528	47.6
Certificates issued	58,966	35.5	56,696	38.2
Unassisted persons	22,675	13.6	21,105	14.2
	166,274	100.0	148,329	100.0

Two graphs portraying the trend in assistance provided over a ten-year fiscal period and also in respect of the last thirteen months were before the Committee and Convocation.

Write-Offs

George E. Wallace, Vice-Chairman, approved the write-offs of the following total amounts due to the Legal Aid Fund: $8,026.25.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Activity

	1978/79 Fiscal Year		*1977/78 Fiscal Year*	
	Month of Jan. 1979	*10 Months to Jan. 1979*	*Month of Jan. 1978*	*10 Months to Jan. 1978*
Accounts on hand at beginning	6355	6016	5571	4657
Accounts received	6088	54004	5213	51301
Total Accounts to be processed	12443	60020	10784	55958
Less: Files Cancelled	35	351	33	409
Accounts Processed	5359	52620	4594	49392
Balance	7049	7049	6157	6157

In addition to the number of accounts for services completed there were:

Interim Accounts	302
Supplementary Accounts	349

Reviews

	January 1979	*10 Months to Jan. 31/79*	*10 Months to Jan. 31/78*
Reviews on hand	222		
Reviews received in	103	1332	991
	325		
Settlements reviewed in	151	1149	1065
Settlements awaiting further information	–		
Settlements awaiting review at end of	174		
	325		

Appeals

	November	*December*	*January*
Appeals to Taxing Master received during	2	3	1
Appeals heard by Taxing Master	2	–	1
Appeals pending at the end of the month	4	7	7
Appeals abandoned	–	–	1

LEGAL AID JOINT COMMITTEE

(a) The Legal Aid Joint Committee was appointed to implement proposals for improving the existing Plan. The proposals emanated from discussions between the Treasurer of the Law Society, the Attorney General and the Chairman of the Legal Aid Committee. The Treasurer had requested the Attorney General to consider the areas which he wished incorporated in the proposed new Legal Aid tariff and, in addition, to consider what areas in the proposed tariff he felt thought should be given to their deletion.

At the February meeting Lee K. Ferrier, Chairman of the Legal Aid Joint Committee, advised the Legal Aid Committee that his committee had met on numerous occasions and had drafted several revisions to the proposed Legal Aid tariff approved by Convocation in March 1978. The revisions took into account concerns expressed by the Ministry of the Attorney General.

The Legal Aid Committee reviewed the said revisions to Schedule 2 and Schedule 3 of the proposed new tariff.

The Committee approved the Legal Aid Joint Committee's tariff revisions which were set out in a report. That report and the proposed new Legal Aid tariff were distributed in Convocation.

(b) In January Convocation approved the hiring of a Director of Research to establish a central research bank to be located in the Provincial Director's office to collect, collate and up-date research performed under a Legal Aid certificate.

The Legal Aid Committee approved the Joint Committee's request that a sub-committee consisting of the Chairman of the Joint Committee, Lee K. Ferrier, the Provincial Director, and a member of the Joint Committee, Sidney B. Linden, be appointed as a "selection committee" to consider the applications made in reply to an advertisement in the Ontario Reports for a Research Director.

JOINT COMMITTEE ON COMPETENCE AND LEGAL AID

In December, 1978, a Legal Aid Joint Committee was formed to implement proposals for improving the existing Legal Aid Plan. In December it was decided to increase the membership of the Legal Aid Joint Committee to include members of the Law Society's Special Committee on Competence in the Practice of Law; the new Joint Committee to make recommendations to the Legal Aid Committee and through it to Convocation respecting the development and implementation of proposals for the improvement of the Plan which proposals had been initiated from discussion between the Treasurer of the Law Society and the Attorney General and the Chairman of the

Legal Aid Committee.

On January 10th, 1979, the said Joint Committee and the Law Society's Special Committee on Competence in the Practice of Law met to develop criteria to be met by lawyers wishing to be placed on the criminal Legal Aid panel and further to make it possible to identify members of the panel who are competent to handle serious criminal cases. The two committees met again on January 31st, 1979, and approved a report dated January 24th, 1979, which had been prepared by a sub-committee composed of members of the said two committees.

At its February meeting the Legal Aid Committee reviewed the report of the Joint Committee on Competence and Legal Aid dated January 31st, 1979, and respectfully recommended a number of changes to the sub-committee report dated January 24th, 1979, which changes appear in italics.

The report of the Joint Committee on Competence and Legal Aid dated January 31st, 1979, including the report of the sub-committee dated January 24th, 1979, incorporating the proposed changes in italics, was attached to the Legal Aid Committee's Report as a schedule. *(See pp. 87-93.)*

INDEPENDENT REPRESENTATION OF THE CHILD

On January 24th, 1979, the Director received a letter from A. G. B. Campbell, Q.C., Assistant Deputy Attorney General, requesting the assistance of the Ontario Legal Aid Plan in implementing the amendments to The Child Welfare Act. Section 20 provides that where a child is not legally represented in protection proceedings, it is the duty of the court to determine whether representation is desirable to protect the interests of the child.

Mr. Campbell was invited to attend the February meeting of the Legal Aid Committee to discuss his Ministry's request. The requests are synopsized as follows:

1. The Ministry of the Attorney General requests assistance from the Ontario Legal Aid Plan to implement Section 20 of The Child Welfare Act.
2. Section 20 provides that where a child is not legally

represented in protection procedings it is the duty of the Court to determine whether representation is desirable to protect the interests of the child (e.g. a child in family court neglect and abuse proceedings will have an independent right to representation. A child who disagrees with his/her parents or the Children's Aid Society on the need for removal from his/her family or on an appropriate placement will be entitled to a lawyer to protect his/her interests).

3. Lawyers will be asked, throughout the province, to place their names on panels indicating that they will be available to provide representation contemplated by The Child Welfare Act. (A prerequisite for a lawyer to be placed on a panel will be an intensive training programme supervised by the Official Guardian).

4. The Attorney General wishes the office of the Official Guardian to administer the plan for implementing Section 20 of The Child Welfare Act. The lawyers serving on the panels will be paid by the Official Guardian.

5. The Legal Aid Plan is being asked to assist in establishing the roster of panel lawyers who will represent the child.

6. If a local judge or representative of a Children's Aid Society determines that a child, in fact, needs a lawyer a request for a lawyer from the panel will be placed to the Area Director's office. Personnel in the Area Director's office will contact a lawyer on the panel. The lawyers will be selected on a rotating basis.

7. If special expertise in representing a juvenile is necessary, the Official Guardian will appoint the counsel.

8. Local committees will be set up in each county and district composed of the Director of the Children's Aid Society, the Area Director and a senior member of the local Bar. The local committee will advise the Attorney General on the operation and performance of the programme, and monitor the quality of the representation provided by the panel lawyers.

After discussion the Legal Aid Committee was of the opinion that the Plan should co-operate in implementing the Attorney General's request for assistance in providing legal representation to a child under Section 20 of The Child Welfare Act.

USER FEE

On January 3rd, 1979, the Assistant Deputy Attorney General, A. G. B. Campbell, Q.C., asked the Deputy Director to comment on whether a "user fee" should be programmed into Legal Aid. In Manitoba a $35 Legal Aid user fee was introduced on certificates issued, excluding certificates issued to those on welfare.

The Committee reviewed the material relating to the introduction of a user fee and were of the unanimous opinion that the matter be referred to a committee which will be appointed by Convocation in February to consider alternative ways of funding legal aid.

CLINICAL FUNDING – GRANGE REPORT

In May Convocation approved the appointment of a Commissioner by The Law Society of Upper Canada and the Attorney General to study the existing Clinical Funding Regulation and to consider recommendations for change.

On June 27th, 1978, The Honourable R. Roy McMurtry, Q.C., Attorney General, wrote The Honourable Mr. Justice S. G. M. Grange, appointing His Lordship the Commissioner and setting out his terms of reference. Mr. Justice Grange submitted his report on Clinical Funding to the Attorney General on October 25th, 1978.

At the January meeting of the Legal Aid Committee, James B. Chadwick, Chairman of the Clinical Funding Committee, highlighted the Grange Report for the Committee members. He referred to the summary of recommendations on page 61 of the report. The Committee reviewed the Grange Report at its February meeting and approved the recommendations of the Grange Commission in principle with the following exceptions:

(a) That the composition of the committee should remain at 3;

(b) That the Attorney General should appoint one of the three members;

(c) That the Law Society should appoint two members from the Legal Aid Committee, and that one of these members be a Bencher of the Law Society.

The Legal Aid Committee further approved that "The Clinical Funding Committee work with the Attorney General in drafting the necessary Regulation in order to implement the Grange Commission recommendations."

It should be noted that some members of the Legal Aid Committee, including Professor S. R. Ellis, were in opposition to the recommendations as approved. The Committee members, of a contrary view, recommended that:

(a) the composition of the Committee should be increased to 5;

(b) the Attorney General should appoint one of the 5 members;

(c) the Law Society should appoint 4 members, 2 of whom would have had experience in clinical delivery and who would be acceptable to the independent community clinics.

The Committee members who opposed the Legal Aid Committee's recommendations support the principle that individuals with "clinical experience" should serve on the Clinical Funding Committee.

The report of the Commission on Clinical Funding dated October 25th, 1978, was before Convocation.

It was moved in Convocation, seconded and *carried* that the recommendation with respect to the composition of the Clinical Funding Committee be amended to provide that the Clinical Funding Committee be composed of 5 members, 2 to be appointed by the Attorney General and 3 to be appointed by the Law Society from the Legal Aid Committee, at least one of these to be a Bencher.

AREA COMMITTEES

APPOINTMENTS

Essex County

Armando DeLuca, solicitor, Windsor.

Simcoe County

M. Scharf, solicitor, Barrie.
P. D. Archibald, solicitor, Barrie.
G. W. Paisley, solicitor, Barrie.

Waterloo

R. B. Strype, solicitor, Kitchener.
D. A. McIntyre, solicitor, Kitchener.
William Johnson, Assistant Crown Attorney, Kitchener.
Rev. T. R. Maxwell, Highland Baptist Church, Kitchener.

Thunder Bay District

S. G. Kovanchak, solicitor, Thunder Bay.

RESIGNATIONS

Waterloo

W. D. Watson, solicitor, Kitchener.
D. C. Downie, solicitor, Kitchener.
R. Reilly, Assistant Crown Attorney, Kitchener.

SCHEDULE:

REPORT TO THE LEGAL AID COMMITTEE

REPORT OF THE JOINT COMMITTEE ON COMPETENCE AND LEGAL AID

On Tuesday, December 12th, 1978, the Treasurer and Messrs. Bowlby, Ferrier, Whealy and McCourt, representing the Law Society, met with the Attorney General and Messrs. Campbell, Glenn Carter and Ewart, representing the Ministry of the Attorney General, to discuss jointly four proposals for the improvement of the Ontario Legal Aid Plan.

The first was the establishment of a central research bank and the second the provision of support services to counsel consisting of investigators and paralegal personnel including social workers.

The Treasurer and Mr. Bowlby indicated the Law Society's willingness to co-operate with the Ministry in implementing these two developments. It was the view of that meeting that the investigative and social work service should be implemented as a pilot project in Metropolitan Toronto.

The meeting then discussed the third and fourth proposals namely, the institution of an entry level course for lawyers seeking to be placed on legal aid criminal panels and the provision of information respecting the abilities of members of the criminal legal aid panel and the involvement of senior counsel in training programmes and advising and assisting young counsel.

The Attorney General stated that he is prepared to introduce a new tariff to be effective April 1st, 1979, provided that:

(a) he can demonstrate to his colleagues that substantial progress has been made on the first and second proposals referred to above and that he has received a commitment in principle together with some progress in respect of the third and fourth proposals.

(b) the proposed new tariff as now written be re-examined by a joint working group so as to resolve any differences of opinion about certain aspects, for example, the experience incentive provision.

It was agreed that a joint working group be established consisting of a nucleus of the following:

Messrs. Sidney Linden, Ferrier and McCourt from the Society
and Messrs. Campbell, Glenn Carter and Ewart from
the Ministry.

This group met on Saturday, December 16th, 1978, with Mr. Bowlby being present. At that meeting it was decided to increase the membership of the joint working group which would then make recommendations to the Legal Aid Committee and through it to Convocation respecting the development and implementation of the four proposals for the improvement of the Legal Aid Plan; analyse on a continuing basis the financial implications of the proposals and reach a consensus with respect to the various items in the proposed new tariff.

The joint working group was increased by the addition of the members of the Society's Special Committee on Competence in the practice of law and Messrs. Bynoe and Robert Carter and became known as the Joint Committee on Competence and Legal Aid.

The Joint Committee met on Wednesday, January 10th at 4:30 p.m. the following members being present: The Treasurer, Mr. Finlayson in the Chair, and Messrs. Campbell, Glenn Carter, Robert Carter, Collins-Williams, Cooper, Ewart, Ferrier, Sidney Linden, McCourt, Mewett, Soberman, Spence, Thom and Wardlaw.

The meeting concentrated on proposals three and four and after discussion it was concluded that it would not be desirable to institute any system of peer review but to devise criteria to be met by members wishing to be placed on the criminal legal aid panel and further to make it possible to identify members of the panel who are competent to handle serious criminal cases.

The Treasurer outlined the provisions of the Society's amended Rules of Professional Conduct which permit members to advertise their preferred areas of practice and he pointed out that those who designated an area of preferred practice are then obliged to take such continuing education as the Society may from time to time prescribe. In addition they will receive the materials from the Society intended to keep them abreast of developments in their chosen fields of practice. Criminal law has been designated as one of the categories of preferred areas of practice.

It was recognized that some definition of a serious criminal case would be required in order to identify criminal panel members who would be considered competent to handle such cases and that some objective standard would need to be set to distinguish such senior criminal counsel from the other members of the panel.

After further discussion a sub-committee of Messrs. Robert Carter, Collins-Williams, Cooper, Ewart and Sidney Linden was appointed to develop the two criteria.

The report of the sub-committee was considered by the Joint Committee at its meeting on Wednesday, January 31st, 1979, which began at 4:30 p.m. the following members being present: The Treasurer, Mr. Finlayson, Chairman, Messrs. Bowlby, Bynoe, Campbell, Glenn Carter, Robert Carter, Collins-Williams, Cooper, Ewart, Fennell, Ferrier, Goodman, Sidney Linden, McCourt, Spence, Soberman, Thom, and Wardlaw.

During a full discussion of the sub-committee's report, a number of suggestions for change were made and accepted by the Chairman and members of the sub-committee. These changes have been embodied in the report of the sub-committee which is attached to this report and which the Joint Committee recommends be adopted.

The Joint Committee further recommends that it be continued and given the responsibility of monitoring the effectiveness of the four proposals for the improvement of the Legal Aid Plan.

ALL OF WHICH is respectfully submitted.

DATED the 31st day of January, 1979.

"G. D. Finlayson"
Chairman

ATTACHMENT:

REPORT OF THE SUB–COMMITTEE OF A JOINT COMMITTEE ON COMPETENCE AND LEGAL AID

Your Sub-Committee met at 5:00 p.m. on Monday, January 22nd, 1979, the following members being present: Messrs. Cooper (Chairman), Robert Carter, Collins-Williams, Ewart and Linden.

Your Sub-Committee was asked to propose criteria to be met by those offering to serve on criminal panels in Metropolitan Toronto under the Ontario Legal Aid Plan.

Your Sub-Committee is mindful that members of the profession who designated criminal law as a preferred area of practice will receive educational material in that field and be required by the Society from time to time to attend Continuing Education courses in criminal law.

Your Sub-Committee is of the view that members who designate criminal law as a preferred area of practice should be entitled to be placed on a criminal panel under the Legal Aid Plan. There are, however, other members who by reason of their experience should be entitled to be placed on a criminal legal aid panel. These include lawyers who for one reason or another do not advertise or advertise their practice simply under the heading of general practice but who are quite competent to deal with criminal cases. Your Sub-Committee, therefore, proposes that qualification to be placed on a criminal legal aid panel be based on a point system which would take into account a variety of types of experience and education which in varying degrees qualify members to serve on the criminal legal aid panel.

It is proposed that members entitled to 10 points under the following scale be permitted to have their names placed on the criminal legal aid panel:

1.	Designation of criminal law as a preferred area of practice	10 points
2(a)	Each year of practice in the field of criminal law (years of practice x percentage devoted to criminal practice)	10 points per year cumulative to 80 points
(b)	Each year of practice in the field of civil litigation (years of practice x percentage devoted to civil litigation)	5 points per year, cumulative to 40 points
	Subject to a limit of 80 points combined total of criminal and civil experience	
3.	Continuing Education courses in criminal law approved by the Law Society of Upper Canada, *and other courses approved by the Law Society of Upper Canada*	1 point per day attended
4.	Teaching Continuing Education courses in criminal law of the Federation of Law Societies of Canada or the Law Society of Upper Canada, *or to other bodies*	3 points per subject taught to a maximum of 24 points

	approved by the Law Society of Upper Canada	
5.	Writing and publication on criminal law	5 points per Federation of Law Societies of Canada or Continuing Education article or article in professional journal approved by the Society to a maximum of 30 points
6.	Membership in Criminal Lawyers' Association or Advocates' Society	2 points per membership 4 points if *an* executive *or director*
7.	Optional criminal law courses completed at an approved Canadian law school	1 point for each optional criminal law course completed. *5 points for a Masters degree in law or an LLD obtained from a law school recognized by the Law Society of Upper Canada*
8.	Mark of 75 or over in the Ontario Bar Admission Course section in criminal procedure	2 points
9.	Serving under articles for 11 months to a senior criminal counsel	5 points
10.	Teaching a criminal law course in an approved Canadian Law School	10 points only
11.	Teaching in the criminal law section of the Ontario Bar Admission Course	5 points only
12.	Junioring at a criminal trial to a senior criminal counsel	3 points per case involving an indictable offence to a maximum of 15 points
13.	Clerking as a member of the Bar to a judge of a Court in Ontario having criminal jurisdiction	5 points
14.	*For each trial or appeal in the Supreme Court of Ontario or Supreme Court of Canada*	*After 10 such trials are completed, 1 point for each trial to a maximum of 10 points*

Your Sub-Committee was also asked to develop criteria to be met by members who are qualified to act in serious criminal cases so that they can be identified among members of the criminal legal aid panel.

For this purpose, your Sub-Committee defines serious criminal cases as those offences for which the maximum penalty is 10 years or more imprisonment.

Your Sub-Committee's recommendation is that those members who are entitled to 100 points on the above scale should be regarded as qualified to be identified as competent to handle serious criminal cases.

The intention expressed by the Joint Committee at its meeting on the 10th January was to conduct a pilot project in Metropolitan Toronto. Your Sub-Committee discussed the fairness of making it possible for legally aided accused to choose from a list of lawyers identified by the Society as being competent to handle serious criminal cases without extending the same service to accused not receiving assistance from the Legal Aid Plan. Though it falls outside the matters your Sub-Committee was asked to consider, it is suggested that Convocation consider permitting members generally to show 'Senior Criminal Counsel' after their names in any permitted advertising when a provincial standard can be developed.

ALL OF WHICH is respectfully submitted.

DATED the 24th day of January, 1979.

"A. M. Cooper
Chairman"

THE REPORT AS AMENDED WAS ADOPTED

. . . .

PROFESSIONAL CONDUCT COMMITTEE – Mr. Cooper

Mr. M. M. Orkin, Vice-Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 8th February, 1979.

The following members were present: Messrs. Orkin (Vice-Chairman in the Chair), Chappell (Vice-Chairman), Carnwath, Fennell, McWilliams, Pomerant, Strauss, Mrs. Sutherland and Mr. Tobias.

1. A member of the profession in 1972 merged his practice with that of two other solicitors. As a result he acquired possession of a large number of Wills. He has written to this Committee asking if there are any rules of Professional Conduct which would require him to retain these Wills. He also wished to know if there are any provisions which would permit him to keep the names of the draftsmen of the Wills in the telephone book or other publications so that the testators and the personal representatives will know where to find the original Wills.

The Committee instructed the Secretary to draw to the solicitor's attention paragraph 4 of the Commentary to Rule 7 which deals with the preservation of clients' property. Wills are classical examples of clients' property that must be retained in some manner. If a lawyer does not wish to retain them personally, there is a procedure for depositing in the Surrogate Court.

2. The following item appeared in the Committee's January Report to Convocation:

> "A member of the profession has brought to the Society's attention Section 41 of the Child Welfare Act which reads as follows:
>
> > '41.–(1) Every person having information on the abandonment, desertion, physical ill-treatment or need for protection of a child shall report immediately to a children's aid society or Crown attorney.
> >
> > (2) Subsection 1 applies notwithstanding that the information is confidential or privileged and no action shall be instituted against the informant unless the giving of the information is done maliciously or without reasonable or probable cause. 1965, c.14, s.41.'
>
> The Committee was concerned as to the effect of this Section on the solicitor/client privilege and instructed the Secretary to obtain an

opinion from Professor Robert J. Sharpe. An opinion has now been received and is attached hereto. Since the matter is somewhat urgent direction is being asked from Convocation in the matter."

This matter was referred back for consideration. The Committee considered the matter at great length. It is a complicated question of law involving an interpretation of a statute which apparently has not yet been judicially considered. Taking all the circumstances into consideration the Committee felt that it should not give a Ruling.

3. At the Committee's October meeting a Sub-Committee was appointed to consider the joint statement by the Canadian Bar Association and by the Auditing Standards Committee of the Canadian Institute of Chartered Accountants with respect to communications with law firms regarding claims and possible claims in connection with the auditing of financial statements. The Sub-Committee's Report was before the Committee.

The Sub-Committee, having met to consider the joint statement, found it commendable and felt that it would be in the interests of the Society's members to follow its provisions. The Sub-Committee recommended that an item to this effect be incorporated in the Communiqué.

The Committee recommended adoption of the Sub-Committee's report.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE –
Mr. N. MacL. Rogers

Mr. N. MacL. Rogers, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 8th February, 1979.

The following members were present: Messrs. Norman MacL. Rogers (Chairman), Chappell, Farquharson, Strauss, Mrs. Tait, and Mr. Wallace, and Miss A. R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

The following donations were received by the Great Library:

John D. Honsberger, Q.C. Toronto	Lower, Arthur R.M. A pattern for History [Toronto] McClelland & Stewart Ltd. [1978]
C.I. Scott, Q.C. Toronto	9 issues of various Canadian publications of reports and periodicals

BOOK LIST

A list of books recently purchased is submitted for approval.

Approved

MISSING BOOKS

The Chief Librarian submitted the annual inventory of missing books.

Noted

COUNTY LAW LIBRARIES

BLANKET FIRE INSURANCE POLICY

The Chief Librarian submitted an amended proposal for Blanket Fire Insurance for County Law Libraries as contained in a letter from Tuckett-Little Insurance Limited dated January 10, 1979. The Committee recommended that the tender be accepted and that the insurance premium be pro-rated among those counties which have indicated a willingness to participate in this programme. The Committee further recommended that the pro-rated insurance premium be deducted from the Law Society grant to those County Law Associations participating.

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1978. The amounts of the grants which they should receive under the Regulation for 1979 and those which they received in 1978 are as follows:

	1978	*1979*
Cochrane	$1,822.50	$2,000.00
Haldimand	760.00	865.00

Approved, subject to the approval of the Finance Committee.

REPORTING

DISTRICT OF MANITOULIN LAW LIBRARY

The Chief Librarian reported that Mr. J. L. Greenspoon, Barrister and Solicitor, Gore Bay, advised that he expects the revenue from the Manitoulin Island lawyers and the Sudbury lawyers will total $1,000 which together with the Law Society's grant and the Provincial Government grant would produce $1,950 per annum.

The Committee recommended that the Law Society make application to The Law Foundation of Ontario for $10,849 and that Mr. Greenspoon be advised that he should apply for incorporation of the District Law Association of Manitoulin.

WEEKLY SUMMARIES (FORMERLY BLUE PAGES)

The Finance Administrator, D. V. Burnett, C.A., presented a comparison of three quotations from printing companies based on quantities of 5,000, 2,500 or 1,500 members of the profession subscribing to the service. Mr. Burnett indicated that based on 5,000 subscriptions General Printers was the lowest, based on 2,500 Haddon Press was the lowest and based on 1,500 Haddon Press was the lowest.

Having explored the ramifications of printing a six page weekly summary to contain both civil and criminal cases the Committee recommended that the Society should not revive the weekly summaries on a subscription basis at cost.

BILLS OF THE ONTARIO LEGISLATURE

The Secretary reported that he had received several letters concerning the wording of the short title of Bills of the Ontario Legislature. The Secretary was instructed to reply that the Society will not join in a submission to the Committee on Standing Procedural Affairs of the Ontario Legislature.

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE – Mr. White

Mr. P. B. Tobias, Vice-Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 8th February, 1979.

The following members were present: Messrs. White (Chairman), Furlong, Mrs. Legge, Messrs. Seagram, Strauss and McWilliams.

1. The Secretary reported that he had received a letter from a solicitor complaining about a service for conciliation and counselling services. The Secretary was instructed to refer this matter to a solicitor in Hamilton for further investigation to see if there is more evidence of a breach of Section 50 of The Law Society Act.

2. The Secretary reported that he had received a letter of complaint from a Brantford solicitor concerning an individual who was offering to incorporate companies. The Secretary was instructed to write to the Companies Branch to find out how many incorporations this individual has forwarded to the department.

3. The Secretary reported that he had received a letter from a real estate company asking whether its revised brochure complied with the Law Society's Rules. The Secretary was instructed to refer this matter to the Professional Conduct Committee as this did not appear to be Unauthorized Practice.

4. The Secretary reported that he had received a report of counsel concerning an agency engaged in paralegal services. The Secretary was instructed to retain outside counsel to prosecute the agency for a contravention of Section 50 of The Law Society Act.

5. The Secretary reported that he had received an enquiry about the work of immigration consultants who are not lawyers. The Secretary was instructed to write to the Department of Immigration to find out if agents are permitted to appear as counsel on immigration inquiries.

6. The Secretary reported that he had received an enquiry from a New York attorney who wished to hold himself out as an arbitrator, mediator, labour relations specialist and management advisor. The Secretary was instructed to write to the attorney, send him a copy of the section of the Act indicating that he cannot hold himself out as a solicitor in Ontario and advise that he should consult an Ontario solicitor.

7. The Secretary reported that he had received a complaint from a London, Ontario solicitor concerning an individual representing himself to be a qualified solicitor in a legal action. The Secretary was instructed to retain counsel to prosecute the individual for holding himself out to be a solicitor contrary to Section 50 of The Law Society Act.

8. The Secretary reported that William G. McGhee had been convicted of acting as a solicitor and fined $300 for contravening Section 50(1) of The Law Society Act. The Committee recomended that this item be inserted in the Communiqué.

THE REPORT WAS ADOPTED

. . . .

LEGISLATION AND RULES COMMITTEE–Mr.Furlong

Mr. M. M. Orkin, Vice-Chairman, presented the Report of the Legislation and Rules Committee of its meeting on Friday, 16th February, 1979.

The following members were present: Messrs. Furlong (Chairman), Orkin and Mrs. Legge.

ERRORS AND OMISSIONS INSURANCE COMMITTEE

The report of the Errors and Omissions Insurance Committee for January 1979 recommended that the name of that Committee be changed to the "Practice and Insurance Committee". It was also recommended that the Committee accept responsibility for the Practice Advisory Service. The Committee's recommendations were adopted by Convocation on 19th January, 1979 and referred to this Committee for implementation.

This Committee recommended that paragraph 10 of rule 27 which lists the standing committees be amended to read:

> 10. Practice and Insurance Committee.

The Committee also recommended that rule 46a. which now reads:

> "ERRORS AND OMISSIONS INSURANCE COMMITTEE
>
> 46a. The Errors and Omissions Insurance Committee is responsible to Convocation for all matters pertaining to indemnity for professional liability for members of the Society and shall make such recommendations to Convocation as it considers advisable to carry out its responsibilities."

be amended to read as follows:

> PRACTICE AND INSURANCE COMMITTEE
>
> 46a. The Practice and Insurance Committee is responsible to Convocation for the Practice Advisory Service and for all matters pertaining to indemnity for professional liability for members of the Society and shall make such recommendations to Convocation as it considers advisable to carry out its responsibilities.

THE REPORT WAS ADOPTED

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PUBLIC RELATIONS COMMITTEE – Mr. Carthy

Mr. P. B. Tobias presented the Report of the Public Relations Committee of its meeting on Thursday, 8th February, 1979.

The following members were present: Messrs. Carthy (Chairman), Seagram and Outerbridge.

INSTITUTIONAL ADVERTISING

(a) Panels on Family Law Reform Act

Mr. Outerbridge reported that a filmed television playlette had been devised followed by a panel discussion involving local lawyers. Phone-in questions by the public will be invited and answered by lawyers on hand for the purpose. He described the plans to advertise the programme and to arrange for its distribution to TV stations throughout Ontario. The cost to the Society will be $1,500, the balance being borne by the Attorney General's Department.

(b) Communiqué and Gazette

The Committee was asked to consider recommending that the Communiqué and the Gazette be sent to each member of the Ontario Legislature. The Secretary also asked whether the Judges in Ontario should be asked whether they would like to receive the Communiqué and Gazette. A number of Judges have enquired whether they can be put on the mailing list.

The Committee recommended that the Communiqué and Gazette be sent to all members of the Ontario Legislature.

Convocation directed that the Communiqué and Gazette be sent as well to newspapers, TV and the Bar Admission Course Teaching Term.

(c) Summer Tours

The Committee and Convocation approved in principle the preparation and publication of a coloured brochure and for tours guided by law students to be arranged for visitors to the Hall during the summer months.

The Secretary suggested that Mr. Donald Jones, historian and writer be asked to prepare the brochure and to design it in collaboration with Mr. Tom Schell.

Mr. Jones writes a regular feature for the Toronto Star on historical events and buildings in Ontario, particularly Toronto. In March of this year, with the permission of the Treasurer and the Chief Justice of Ontario, Mr. Jones is arranging a public tour of Osgoode Hall to mark the City's birthday.

The Committee recommended that Mr. Jones be approached and an estimate of costs prepared for the Committee's consideration including the cost of arranging the summer tours.

THE REPORT WAS ADOPTED

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PRACTICE AND INSURANCE COMMITTEE – Mr. Kellock

Mrs. L. L. Legge presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 8th February, 1979.

The following members were present: Messrs. Kellock (Chairman), Guthrie, Ogilvie, Outerbridge and Mrs. Legge. Messrs. Hargraft and Forbes were present at the Chairman's request.

CONTINUING LEGAL EDUCATION PROGRAMMES

The Committee authorized the Chairman to appoint a Sub-Committee to make recommendations respecting Continuing Education programmes.

MONTHLY REPORT

Mr. Stinton's monthly report was before the Committee.

Noted

COUNSEL FEES

A list of the fees paid to Counsel during January, 1979, was before the Committee.

Noted

ADJUSTERS' FEES

Lists of the fees paid in January, 1979, to adjusters under the old Fund, under the 1977 Fund and the 1978 Fund were before the Committee.

Noted

NON–WAIVER AGREEMENTS

At its November meeting the Committee recommended that Mr. W. L. N. Somerville be asked for his opinion whether it would be feasible and, if so, desirable for amendments to be made to the contract of insurance which would permit the adjuster to proceed to investigate and to negotiate without prejudicing the insurer's right to deny coverage, for example, in cases in which fraud is alleged, and without the necessity of obtaining a non-waiver agreement in each case.

Mr. Somerville's opinion is contained in a letter addressed to Mr. Stinton dated 17th January. He advised against attempting to write into the policy a provision which would in every case preclude the possibility of the insured member relying upon estoppel in pais, notwithstanding that the constituent elements did in fact all exist.

The Committee recommended that Mr. Somerville's opinion be accepted.

FINANCIAL STATEMENT – DECEMBER 31st, 1978

Memoranda from Mr. Stinton were before the Committee outlining the financial statement for the 1977 and 1978 Fund.

Noted

THE REPORT WAS ADOPTED

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BUILDING COMMITTEE–The Treasurer

The Treasurer presented the Report of the Building Committee of its meeting on Wednesday, 31st January, 1979.

The following members were present: Messrs. Finlayson (Chairman), W. Gibson Gray, Ogilvie, Thom and Wilson, and Mrs. Legge.

BUILDING PROGRAMME – PROJECT NO. 75–01

At its meeting on 11th December, 1978, the Committee had before it Mr. Heeney's letter of 8th December on the subject of overhead costs, which reads in part as follows:

> " A further claim has now been made for an additional sum of $9,890.75 under the same section of the Contract, from April to completion of the Contract. From the data sheet submitted by Mr. Dalton he has had considerable additional expenses since April 1978. See the hand written data sheets attached, indicating an additional overhead cost of $19,781.50. The letter from Dalton Engineering & Construction (1974) Limited of April 13th, 1978 states that any additional fixed overhead after April 10th, will be absorbed by them. Under these circumstances I have advised Dalton Engineering & Construction (1974) Limited that I would present this claim for your consideration.
>
> From the start Mr. Dalton took complete charge of this project and made it his personal responsibility throughout. I suggest you give this claim your favourable consideration."

The Committee did not approve the claim for the additional sum and recommended that Dalton Engineering & Construction (1974) Limited be advised that further particulars should be submitted to support their claim.

At its meeting on 31st January, 1979, the Committee had Mr. Heeney's further letter of 24th January, 1979, with supporting papers. The Committee reviewed details of the claim by Dalton Engineering & Construction (1974) Limited which showed the following:

"For period April 11 to August 28, 1978			
– Fixed Overhead		4½ months @ 2807.00 =	$12,631.50
– Project Management			
20 weeks @ 275.00	5500.00		
Statutory @ 30%	1650.00		7,150.00
			$19,781.50
Overhead at half rate			$ 9,890.75"

The Committee recommended that Dalton Engineering & Construction (1974) Limited be paid the project management cost in full because of the supervision required during the period in question and that no payment be made in respect of fixed overhead.

The recommended amount to be paid in respect of this claim is therefore $7,150.

THE REPORT WAS ADOPTED

. . . .

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. R. W. Cass presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 8th February, 1979.

The following members were present: Messrs. Cass (Acting Chairman), Wallace and Mrs. Sutherland.

STUDENT APPLICATION

The Committee had before it an application from a student who had failed the Bar Admission Course because of medical difficulties. He was given permission to take the examinations in the subjects he had failed and if successful, to be called to the Bar. Meanwhile, he is in dire financial straits. On the basis of information supplied by the applicant's counsel, grants were made to him on three previous occasions. The applicant submitted to the Committee for its consideration a letter in support of his application.

The Committee recommended that a grant be made.

APPLICATIONS

The Committee considered two applications for grants and recommended that a grant be made to one applicant.

The other applicant, a solicitor who had been suspended in 1978 for a period of one year as a result of disciplinary proceedings and thereafter for a period of five years permitted to practise only under the supervision of another member of the Society, advised that although his disciplinary suspension had been terminated, he had not resumed practice because of his inability to pay the amount owing for fees and Errors and Omissions Insurance levy to the Society.

The Committee recommended that upon the solicitor establishing that he has an opportunity to practise in accordance with Convocation's requirements and upon his filing a financial statement showing his assets, income and expenses, a grant be made to him to enable him to pay his fees and insurance levy.

THE REPORT WAS ADOPTED

. . . .

SPECIAL COMMITTEE ON PUBLICATIONS

Mr. J. D. Ground presented the Report of the Special Committee on Publications of its meetings on Friday, 1st December, 1978, and Thursday, 8th February, 1979.

The Special Committee composed of Messrs. Kellock(Chairman), Chappell, Ground and R. J. Gray met on December 1st, 1978 and February 8th, 1979.

The Committee was originally appointed by the Treasurer on March 19th, 1976, as a special committee to propose for Convocation's approval a method of publishing decisions of the Discipline Committee and other matters which should be brought to the profession's attention. Subsequent to such appointment the new Professional Conduct Handbook has been prepared and it was decided that this Committee should consider the publishing of a handbook to contain not only the matters noted above but also The Law Society Act, its regulation and rules and the new Professional Conduct Handbook. It was decided in Convocation that the form for such method of publishing should be a loose-leaf binder to facilitate amendments and additions.

The questions discussed by the Committee and the conclusions reached thereon are summarized as follows:

(a) Should the binder be made available to each member of the Society or only to "firms", which is interpreted as including sole practitioners?

The recommendation of your Committee is that the binder should be made available to every member.

(b) What should be included in the binder?

The Law Society Act, its regulation and rules, the Professional Conduct Handbook, the Errors and Omissions Loss Prevention Manual, opinions of the Professional Conduct Committee as determined by that Committee and Convocation, and a summary of selected decisions of the Discipline Committee as determined by Convocation. There was also a question of including something from Legal Aid but the Committee understands that Legal Aid is producing its own binder shortly.

(c) If the recommendation to provide each member with a binder is acceptable, would it be appropriate to place the member's name on his binder to make it personal and more meaningful to the member and possibly his clients?

There would be some extra cost involved and the complication of ensuring that each member received his copy of the binder would appear to militate against this suggestion.

(d) An eye-catching design should be produced.

The Committee arranged for this and Mr. Tom Schell produced a dummy binder in the colours suggested by the Committee, which is before Convocation.

(e) Should the pages be printed on both sides and other printing technicalities were considered to determine the appropriate size of binder?

It was recommended that the pages be printed on both sides to reduce the volume of paper and that the printer's advice be obtained as to the weight of paper and type size so that a binder with rings of 1½ inch capacity would be appropriate. The dummy binders are of such size.

(f) Should sufficient binders be ordered now to cover the requirements for a number of years in the future?

If the binder is to be made available to each member, the approximate present requirement would be for 12,300 with a further 1,050 being required in April of this year, a total of 13,350 with approximately 1,100 required each year for the next few years. The problem of storing extra binders without contents must be considered in this regard; 45 binders can be stored in a carton 20 inches by 24 inches by 13 inches or 3.62 cubic feet. That is, 25 cartons containing 1,125 binders could be stored in an area 10 feet by 20 inches deep and 5 feet 5 inches high. Storage charges for 10,000 extra binders was quoted by A-Metric at $125 per month.

(g) What would the cost factor be to arrange with one supplier or one printer to do the whole job?

It was recommended by both printers and suppliers that the best price would be obtained by the Society ordering each portion of the job separately and in fact only one quotation could be obtained for doing the whole job and the cost factor is appreciably higher.

(h) Should the binder be provided to student members at the beginning of their articling period?

It was felt that that would be the appropriate time although it would probably require mailing the binder to each student member. If the binder was provided at the beginning of or during the teaching portion of the Bar Admission Course, the binder could be picked up by the student member thereby avoiding the cost of mailing cartons and postage.

The Committee proposed to Convocation the following:

(1) That the order be placed with Weldo Plastics Ltd. for

(a)	loose-leaf vinyl binders, 9½ inch x 6 inch sheet size with 1½ inch capacity 3 ring super combi metals, 5 inch sheet lifter, 16 gge. low-temperature (-20 deg. F) formulation microfine virgin vinyl stiffened with 100 pt. board, blind edge weld, island weld hinge and silk screened 1 colour front and spine 15M @ $2.48 ea.	37,200.00
(b)	index dividers, 9½ inch x 6 inch sheet size made in 6 part sets of 1/6 cut tabs, tabs only printed 2 sides & clear mylar reinforced, punched & reinforced 3 holes & collated into sets 15M @ 32½ cents per set	4,875.00
(c)	mailing carton, custom made to hold the above 9½ inch x 6 inch sheet size 1½ inch capacity binder 15M @ 24 cents ea., F.S.T. incl.	3,600.00
		$45,675.00

(2) That the binder be white with red lettering and seal as shown by dummy binder.

(3) That an order be placed with General Printers for the printing of The Law Society Act, its regulation and rules, the Professional Conduct Handbook and the Errors and Omissions Loss Prevention Manual on 6 inch by 9½ inch opaque litho, white stock, and for the receiving, packaging and mailing of the binders and printed material to the members.

(4) That the Professional Conduct Committee be requested to provide to Convocation material for future insertion in the binder, on the opinions of that Committee which it determines are appropriate for

the consideration of Convocation.

(5) That the Discipline Committee be requested to provide to Convocation material, for future insertion in the binder, on decisions of that Committee which it determines are appropriate for the consideration of Convocation.

SUBJECT TO THE APPROVAL OF THE FINANCE COMMITTEE THE REPORT WAS ADOPTED

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CONVOCATION ROSE AT 4:30 P.M.

....

Read in Convocation and confirmed 16th March, 1979.

G. D. FINLAYSON
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 16th March, 1979
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Bowlby, Brulé, Bynoe, Carnwath, Carthy, Cass, Chadwick, Cooper, Fennell, Furlong, Goodman, R. J. S. Gray, W. Gibson Gray, Guthrie, Kellock, Mrs. Legge, Messrs. Lochead, McWilliams, Orkin, Outerbridge, Pepper, Pomerant, N. MacL. Rogers, Ruby, Seagram, Shibley, Strauss, Mesdames Sutherland and Tait, Messrs. Thom, Tobias and Willoughby.

. . . .

MINUTES

The Minutes of Convocation of 16th February, 1979 were read and confirmed.

. . . .

APPOINTMENTS TO STANDING COMMITTEES

It was moved, seconded and *carried* that Mr. *W. Dan Chilcott* be appointed a member of each of the following committees: Legal Education; Libraries and Reporting.

. . . .

LETTER FROM WILLIAM J. LITWILLER, PRESIDENT, HAMILTON LAW ASSOCIATION

The Treasurer informed Convocation that a letter, dated 20th February, 1979, from William J. Litwiller, President of the Hamilton Law Association, addressed to Messrs. Bowlby and White as the Benchers from Hamilton, had been forwarded to him. Mr. Litwiller requested that the Benchers consider making a recommendation to The Law Foundation of Ontario respecting an increase in the interest rate paid on trust accounts.

Convocation directed the Secretary to reply to Mr. Litwiller.

. . . .

LIAISON COMMITTEE WITH THE PROFESSIONAL ORGANIZATIONS COMMITTEE

The Treasurer suggested that Mr. Brendan O'Brien be appointed to the Society's Special Committee.

It was moved, seconded and *carried* that Mr. *Brendan O'Brien* be appointed to the Society's Liaison Committee with the Professional Organizations Committee.

. . . .

HONORARY DEGREES

It was moved, seconded and *carried* that the degree of Doctor of Laws honoris causa be conferred upon Mr. *Brendan O'Brien* at the Call to the Bar Ceremony on 5th April, 1979.

It was moved, seconded and *carried* that the degree of Doctor of Laws honoris causa be conferred upon Mr. *Stuart Thom* at the Call to the Bar Ceremony on 6th April, 1979.

. . . .

PRESENTATIONS

(a) Judge Hugh D. Foster – Pine Stand-up Desk and Stool

The Treasurer informed Convocation that His Honour Judge Hugh D. Foster, Provincial Court (Criminal Division), Toronto, had presented to the Society a pine stand-up desk and stool which had been the property of his father, Colonel Harold W. A. Foster, Q.C., who died 18th January, 1960. Colonel Foster was called to the Bar in 1909 and following a distinguished career in the Canadian Army in World War I, he became a partner in the law firm of J. Shirley Denison, a former

Treasurer of the Society. Colonel Foster lectured at Osgoode Hall Law School on Practice from 1912 until his election as a Bencher in 1951. He was re-elected a Bencher in 1956.

The pine stand-up desk had been used for a number of years in The Supreme Court of Ontario for accounts and during the past century had been used in various accounting offices in Osgoode Hall. About sixty years ago Colonel Foster rescued it from a group of items that were being discarded. He took it home and used it in his den with the stool which he obtained later and which does not match the desk.

Convocation directed that an expression of its appreciation be sent to Judge Foster.

(b) Mr. David Robertson – Barrister's Gown

The Treasurer informed Convocation that Mr. David Robertson, Toronto, had presented to the Society a barrister's gown which had originally belonged to his grandfather, David Robertson, K.C., and subsequently had been altered and worn by his father, Norman Roy Robertson, Q.C.

David Robertson, K.C., of Walkerton, was called to the Bar in 1877 and died 3rd October, 1949, aged 97. At the time of his death he was the oldest lawyer in Ontario and the senior member of the profession so far as entry on the Rolls was concerned. He practised in Walkerton and was mayor of that town on two occasions. He served as a major in the 32nd Bruce Battalion during the Riel Rebellion.

Norman Roy Robertson, Q.C. of Walkerton, was called to the Bar in 1910 and died 9th August, 1975, aged 89. Following distinguished service in World War I, he practised in Hamilton and from 1921 to 1925 acted as an appointed Examiner at Osgoode Hall Law School. He was the last out-of-Toronto Examiner so appointed. He joined his father in practice in Walkerton and continued in that practice until he retired in 1972. He was an Honorary Life Member of the Society.

Convocation directed that an expression of its appreciation be sent to Mr. Robertson.

……….

PRINCIPLE OF LAWYERS BEING PERMITTED TO ADVERTISE A FEE FOR INITIAL CONSULTATION

The Treasurer referred to the Professional Organizations Committee's Report and the Society's response. He referred particularly to the question of advertising and requested Convocation's approval for that response to advocate that members should be permitted to advertise a fee for an initial consultation.

It was moved, seconded and *carried* that members be permitted to advertise their fee for an initial consultation and that the matter be referred to the Special Committee on Advertising and the Professional Conduct Committee for consideration and report, including what specific amendments to the Society's rules would be required if such advertising were to be permitted.

LEGAL EDUCATION COMMITTEE–Mr. Ground

Mr. C. C. Ruby presented the Report of the Legal Education Committee of its meeting on Tuesday, 13th February, 1979, with respect to a petition by way of appeal from failure by a student member of the 19th Bar Admission Course.

The following members were present: J. D. Ground, Acting Chairman, Messrs. Thom, Ruby and Mrs. R. M. Tait.

The purpose of this meeting was to consider further the appeal of this student from his failure in the teaching portion of the 19th Bar Admission Course. The student attended with his counsel.

This matter was first heard by the Committee on May 25th, 1978 and the Committee had agreed at that time to recommend to Convocation that the appeal be granted. The student who was employed by a federal government board was advised that he would be granted a leave of absence to attend the teaching portion of the Bar Admission Course in Ottawa. After he had enrolled in the Course, he was advised that such leave of absence would not be granted and was required to attend his duties with the board on a full-time basis. The result was that he was unable to attend any lectures and was able to attend only a few seminar groups held late in the day. He did however study the Bar Admission Course materials in the evenings and on the week-ends.

The Committee did not make a recommendation to Convocation last spring as it was advised that there was another matter pending before the Committee of Convocation which dealt with the petitioner's status as a student-at-law. That matter having been disposed of, the Committee recommended that the appeal be granted.

THE REPORT WAS ADOPTED

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ADMISSIONS COMMITTEE–Mr. Ground

Mrs. L. L. Legge, Vice-Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 8th March, 1979.

The following members were present: Mr. J. D. Ground (Chairman), Mrs. Legge (Vice-Chairman), Messrs. Brulé, Cass, R. J. Gray, Pepper, Mrs. Sutherland and Mr. White.

OCCASIONAL APPEARANCE

James Hilton Cook, of the Province of Manitoba, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Lakehead University vs. Midway Roofing and Supply Limited*. Mr. Cook complied with the requirements of Section 10 and presented a Certificate of Good Standing. He asked to receive his call to the Bar of Ontario at the March Convocation.

Morris Jacob Fish, of the Province of Quebec, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Regina vs. Bi-Way Stores Limited*. Mr. Fish complied with the requirements of Section 10 and presented a Certificate of Good Standing. He asked to receive his call to the Bar of Ontario at the March Convocation.

Joseph Silver, of the Province of Quebec, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Regina vs. Michel Gagne et al.* Mr. Silver complied with the requirements of Section 10 and presented a Certificate of Good Standing. He asked to receive his call to the Bar of Ontario at the March Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

The following candidate, having successfully completed the Nineteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for Call to the Bar and to be granted a Certificate of Fitness:

James Francis Burchill

Special – Regulation 9

The following candidate, having filed the necessary papers, complied with the requirements of the Admissions Committee and paid the required fee of $200, was entitled to be called to the Bar and to be granted a Certificate of Fitness:

John Maxwell Evans	Special – Osgoode Hall Law School

Call to the Bar for an Occasional Appearance

At its meeting on 8th March, 1979, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearances in Ontario of lawyers from other Provinces" and that upon giving the necessary undertakings, they be called to the Bar and admitted as Solicitors.

James Hilton Cook	Province of Manitoba
Morris Jacob Fish	Province of Quebec
Joseph Silver	Province of Quebec

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further six candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1978.

Approved

DIRECT TRANSFER FROM QUEBEC

The Committee considered and approved six applications to transfer to practise in Ontario by Quebec lawyers who sought to proceed under Regulation 4 (2).

OCCASIONAL APPEARANCE

Robert Leon Pollack, of the Province of Manitoba applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Regina vs. Newton Lea Barr et al.* Mr. Pollack complied with the requirements of Section 10 and presented a Certificate of Good Standing. He wished to be called at the April Convocation.

Approved

REPORT OF THE JOINT COMMITTEE ON FOREIGN ACCREDITATION

The Report to the Federation of Law Societies of the Joint Committee on Foreign Accreditation was before the Committee. The Federation adopted the Report and asked the Governing Bodies to indicate whether they intend to make use of the Joint Committee's services.

In its Report the Joint Committee summarizes its conclusions as follows:

> In summary, the functions the Joint Committee is able to perform are as follows:
>
> 1. Evaluate the qualifications of applicants from outside Canada;

2. Indicate what deficiencies exist in an applicant's qualifications compared to those of graduates of approved Canadian LL.B. courses;
3. Certify in appropriate cases that an applicant is as well qualified as though he had completed an approved Canadian law course and been granted the approved LL.B. degree. Such cases arise when an applicant is so well qualified that little additional work is needed to bring him to the standard of a Canadian graduate. In such cases it is often only necessary for the applicant to cover some purely Canadian aspects of the law. Canadian law schools can give the necessary tuition or guidance and examinations but their universities cannot grant the LL.B. degree because the applicant would not meet residence requirements. The Joint Committee before granting its certificate would prescribe studies appropriate to the applicant's individual circumstances and require him to pass examinations set by an approved law school. The Joint Committee proposes that the governing bodies be invited to accept the Joint Committee's certificate as equivalent to an approved Canadian LL.B. degree for the purpose of admitting such candidates to a Bar Admission Course or other qualifying procedure as though they hold the approved degree. It is appreciated that to take advantage of this aspect of the Joint Committee's service governing bodies might need to amend their admission regulations.

The Committee approved in principle that Regulation 26 be amended to permit applicants to enter the Bar Admission Course in accordance with the proposal made in the report of the Joint Committee, and recommended that the matter also be considered by the Legal Education Committee, and if approved by that Committee and by Convocation, the Legislation and Rules Committee be asked to draft the appropriate amendment to Regulation 26.

GUIDELINES FOR OCCASIONAL APPEARANCES

At Convocation on 20th October 1978, a motion was made and carried that the Federation of Law Societies of Canada be asked if they might produce guidelines for the granting of leave to appear to members of other jurisdictions. The matter was discussed at the Federation meeting last month and a table was before the Committee showing the position in the various provinces respecting Occasional Appearances.

The Committee recommended that subject to the approval of the Finance Committee, the fee for an Occasional Appearance be raised to $500.

It was moved in Convocation, seconded and *carried* that this matter be referred back to the Committee for further consideration.

SURVEY OF 1979 BAR ADMISSION COURSE GRADUATES

Dean R. W. Ianni, Chairman of the Ontario Law Deans, asked the Law Society if it would agree to participate in a joint survey which would be sent to the students-at-law who have graduated this year. His letter and enclosure were before the Committee.

The Committee recommended that the Society co-operate and that the Chairman of this Committee and the Secretary be authorized to confer with the Committee of Law Deans and report back.

SECTION 31 OF THE LAW SOCIETY ACT

At the November Convocation a motion was made and carried that the Policy Section of the Discipline Committee be asked "to consider proposing an amendment to Section 31 of The Law Society Act, so that if a judge is removed from office or resigns in circumstances which might have resulted in removal, Convocation will have a discretion whether to permit his membership in the Society to be restored, or such further amendments to this section as may seem desirable."

At the February Convocation, the report of the above Committee was adopted that this matter should be referred to the Admissions Committee for consideration and recommendation to Convocation.

A draft amendment was before the Committee for consideration.

The proposed amendment entailed the substitution of a comma for the period after the last word in the existing Section 31 (i.e., "Secretary") and the addition of the following:

> except that if he is removed from office or resigns in circumstances which may have resulted in removal, Convocation may in its discretion refuse to permit his membership in the Society to be restored.

The Committee recommended that the proposed amendment be approved subject to the approval of the Legislation and Rules Committee.

It was moved in Convocation, seconded and *carried* that the proposed amendment to Section 31 be changed to read:

> "except that if he is removed from office or resigns in circumstances which might have resulted in removal, Convocation may in its discretion refuse to permit his membership in the Society to be restored or permit such restoration subject to such condition as Convocation may see fit to impose."

SPECIAL PETITIONS BAR ADMISSION COURSE

The Committee considered and approved two petitions of a routine nature.

THE REPORT AS AMENDED WAS ADOPTED

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CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

James Francis Burchill
John Maxwell Evans
James Hilton Cook
Joseph Silver

....

DISCIPLINE COMMITTEE—Mr. Lochead

Re: ROY A. YOUNGSON, Sault Ste. Marie

Mr. G. H. Lochead, Chairman, first brought this matter to Special Convocation on Thursday, 14th September, 1978, when counsel for the solicitor requested an adjournment because the solicitor was then in the hospital. An adjournment was granted to the regular Convocation on 20th October, 1978, when it was again adjourned to Special Convocation on 15th December, 1978, with the concurrence of counsel, because of the lateness of the hour.

The proceedings on 15th December, 1978, were as follows:

A quorum of Benchers was present and Mr. J. D. Carnwath, Vice-Chairman, placed the matter before Convocation. The reporter was sworn.

The solicitor attended with his counsel, Mr. John A. Hoolihan, Q.C. The Society was represented by Mr. Donald H. Jack.

Counsel for the solicitor waived reading of the Decision of the Discipline Committee dated 24th August, 1978, and stated that the solicitor made no objection to the Decision, which found the solicitor had been guilty of professional misconduct. While suffering from severe alcoholism he had failed to maintain the required books and records in connection with his practice, failed to maintain sufficient balances in his trust account to meet his trust obligations and had misappropriated over $5,000 of clients' funds.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Decision of the Discipline Committee be accepted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Decision had been accepted by Convocation and that the Discipline Committee recommended the penalty of disbarment.

Counsel for the solicitor made submissions respecting penalty. He asked that the solicitor be permitted to continue to practise in the field of criminal law only and that when he is discharged in bankruptcy, he be required to have a co-signer of all cheques drawn on his trust account. He further asked that the matter be adjourned a few months to February or March 1979 to give the solicitor an opportunity to repay those clients to whom he owes money.

Counsel for the Society made submissions.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Law Society be cancelled.

It was moved and seconded that the matter be adjourned to the regular March Convocation upon the solicitor undertaking

1. to explore the possibility of practising with an established law firm;
2. to repay monies owing to clients;
3. to continue actively his association with Alcoholics Anonymous;
4. to seek to have his wife make a mortgage of her house to Mr. Hoolihan in trust to secure the repayment to clients; and
5. not to receive any money from clients other than in payment of legal fees and disbursements.

It was moved and seconded that the matter be adjourned to the regular March Convocation upon the solicitor undertaking

1. to explore the possibility of practising with an established firm;
2. to repay monies owing to clients;
3. to continue actively his association with Alcoholics Anonymous; and
4. not to receive any money from clients other than in payment of legal fees and disbursements.

It was moved, seconded and *carried* that the matter be adjourned to the regular March Convocation.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motion respecting penalty before Convocation and of the adjournment that had been granted.

The solicitor, counsel and the reporter retired.

A quorum of eligible Benchers being present at the regular March Convocation, the matter was resumed.

The reporter was sworn.

The solicitor attended with his counsel, Mr. John A. Hoolihan, Q.C. The Society was represented by Mr. John I. Laskin.

The motions that were placed before Special Convocation on Friday, 15th December, 1979, including the motion that the solicitor be disbarred, were read.

Counsel for the solicitor made submissions respecting penalty.

Counsel for the Society made no submissions.

The solicitor, counsel and the reporter withdrew.

The evidence before Convocation indicated that the solicitor had overcome his addiction to alcohol.

It was moved and seconded that the matter be adjourned to a Convocation six months hence.

It was moved and seconded that the solicitor be reprimanded in Convocation.

The motion for a six-month adjournment was *withdrawn*.

The motion for disbarment was *lost*.

The motion that the solicitor be reprimanded in Convocation was *carried*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the result of Convocation's deliberations, and the solicitor was informed of his right to appeal Convocation's disposition of the matter. The solicitor waived his right to appeal.

Counsel and the reporter retired.

The Treasurer reprimanded the solicitor.

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LEGAL EDUCATION COMMITTEE (Continued)

Mr. J. A. Brulé, Vice-Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 8th March, 1979.

The following members were present: Mr. J. A. Brulé, Vice-Chairman in the Chair, Messrs. Chilcott, R. J. Gray, Ground, Orkin, Outerbridge, N. MacL. Rogers, Shibley, Thom and Mrs. R. M. Tait.

FACULTY APPOINTMENTS – Toronto

It was recommended that the following appointments be made for the teaching term which commenced September 5th, 1978:

Criminal Procedure

Group Instructors: M. J. Levy and F. N. Marrocco.

Approved

BAR ADMISSION COURSE – TUITION FEES

At the meeting of the Committee on February 9th, 1979 the Director was asked to bring to the March meeting a report on 1979-1980 budget figures for the Bar Admission Course and any proposed change in tuition fees. A statement of budget estimates for the 1979-1980 teaching term showing the actual figures for the year 1977/78, the budget figures for the year 1978/79 and the estimates for the year 1979/80 was before the Committee. This statement was part of the submission made by the Law Society to the Ontario Council on University Affairs in December, 1978 by way of application for a grant-in-aid for the Course year 1979-80. In Advisory Memorandum 78–V of the Ontario Council on University Affairs the Council recommended to the Minister of Colleges and Universities that a grant of $481,000 be made to The Law Society of Upper Canada for the support of the Bar Admission Course in 1979-1980. In so doing, the Council stated in part as follows: "Council expects that tuition fee rates for the Bar Admission Course will not be increased by more than the 5% increase in formula fees announced for the rest of the system." The Minister accepted and acted upon the Council's recommendation. Bar Admission Course tuition fees are currently $575 per student. A 5% increase would amount to $603.75. It was proposed that the tuition fee for the teaching term 1979-80 be $600.

The Committee recommended that the tuition fee for the teaching term 1979-1980 be $603, subject to the approval of the Finance Committee.

SERVICE UNDER ARTICLES – COURT APPEARANCES

On Friday, February 16th, 1979 Convocation referred to the Legal Education Committee for consideration and for report back to Convocation the revised list of permitted court appearances by articling students which had been subject to discussion by the Treasurer, the Attorney General, the Chief Justices and Chief Judges of the several courts. The list of court matters on which articled students-at-law are permitted to appear was revised in 1971 and published in a notice to the profession in the Ontario Reports in June, 1971. With minor amendments, the list has remained unchanged since that time. Changes in the law and in the courts have required a revision.

The Committee recommended that the revised list be approved.

BAR ADMISSION COURSE
ANNUAL MEETING OF SENIOR INSTRUCTORS
OTTAWA AND LONDON

The Director proposed that the Annual Meeting of the Senior Instructors of the Bar Admission Course in Ottawa be held in Ottawa on Monday, April 30th, 1979 at 4:00 p.m. followed by a reception and dinner at 6:00 p.m. for 6:30 p.m.

It was further proposed that the Annual Meeting of the Senior Instructors of the Bar Admission Course in London be held in London on Wednesday, May 2nd, 1979 at 4:00 p.m.

followed by a reception and dinner at 6:00 p.m. for 6:30 p.m.

Approved

REPORT OF THE JOINT COMMITTEE ON FOREIGN ACCREDITATION

The Report to the Federation of Law Societies of the Joint Committee on Foreign Accreditation was before the Committee. The Federation has adopted the Report and now asks the Governing Bodies to indicate whether they intend to make use of the Joint Committee's service. *(See p. 117-8.)*

Approved

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered and approved one petition of a routine nature; considered financial statements for the Bar Admission Course and Continuing Education for the eight-month period ended 28th February, 1979; and reviewed a summary of Continuing Education Programmes presented in February, 1979, and a publications report for the month of February, 1979.

THE REPORT WAS ADOPTED

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DISCIPLINE COMMITTEE (Continued)

REPORT OF THE SUB–COMMITTEE ON TRUSTEESHIPS

At Convocation on Friday, 16th February, 1979, the Report of the Discipline Committee included as item 1 the Report of the Sub-Committee on Trusteeships, which contained references to the Practice Advisory Service. The Discipline Committee recommended adoption of the Sub-Committee's Report.

Two motions respecting the Sub-Committee's Report were carried in Convocation; one referred Schedule "C" of the Report, a memorandum respecting the Practice Advisory Service, to the Practice and Insurance Committee for consideration and report to Convocation and the other deferred consideration of the Sub-Committee's Report to a later date. Accordingly, references to the Practice Advisory Service and Schedule "C" were deleted from the Sub-Committee's Report.

Mr. B. H. Kellock, Chairman of the Sub-Committee, presented the Report of the Sub-Committee on Trusteeships dated 8th February, 1979.

TO ALL MEMBERS OF THE POLICY SECTION OF THE DISCIPLINE COMMITTEE

REPORT OF THE SUB–COMMITTEE ON TRUSTEESHIPS

Your Committee composed of Messrs. Anderson, Traviss and Kellock (Chairman) was appointed by the Policy Section of the Discipline Committee to consider the establishment of guidelines to assist the Society's Secretariat in situations where the provisions of Section 43 of The Law Society Act, R.S.O. 1970, c.238 are invoked.

Your Committee has met on five occasions and was assisted by Mr. Peter Alley, C.A. who has served with distinction as a trustee on behalf of the Society. In addition, the Chairman met in London in May 1978 with the Senior Assistant Secretary of The Law Society (U.K.), Mr. P.C. Lamplugh, to discuss the English legislation and practice.

In the course of its deliberations, your Committee has considered the following:

1. The Society's past experience in invoking Section 43.
2. The difficulties encountered in the establishment and administration of Section 43 trusts; and
3. Possible improvements to the legislation and trusteeship practices.

For convenience, the provisions of Section 42 and Section 43 of The Law Society Act are set out here:

> "42. (1) If the Treasurer or the Secretary or the chairman or the vice-chairman of any committee of Convocation dealing with disciplinary matters has reasonable cause to believe that a

> member has been or may be guilty of misconduct in connection with any property in his possession or under his control, a judge of the Supreme Court may, upon an ex parte application by the Society, order that the property described in the order shall not be paid out or dealt with by the person or persons named in the order without the leave of a judge of the Supreme Court.
>
> (2) Any person may apply to a judge of the Supreme Court for an order varying or discharging any order made under subsection 1."
>
> "43. (1) Where a member or former member dies, disappears or leaves Ontario or a person's membership in the Society is cancelled or his rights and privileges as a member are suspended and, in any such event, his practice is neglected to the prejudice of any person or no provision has been made for the protection of his clients' interests, a judge of the Supreme Court may, upon an ex parte application by the Society, by order appoint a person as trustee, with or without bond, to take possession of any property in the possession of or under the control of such member or former member for the purpose of preserving, carrying on or winding up the practice of such member or former member.
>
> (2) A person appointed under subsection 1 shall, in respect of any trust property of such member or former member, be the trustee thereof, and he shall in respect thereof take the place of the personal representative, committee or other representative, if any, of such member or former member.
>
> (3) Any person may apply to a judge of the Supreme Court for an order varying or discharging any order made under subsection 1.
>
> (4) The judge may in any order under this section make provision for the remuneration, disbursements and indemnification of the trustee out of such moneys or otherwise as the judge may specify."

We propose to deal with the matters referred in the following order. The decision to invoke Section 43, the administration of the trust, and in each case the recommendations the Committee wishes to make, and lastly, to deal with certain incidental matters and recommendations.

THE DECISION TO INVOKE SECTION 43

Section 43 provides for the appointment of a Trustee upon the ex parte application of the Society when:

(a) A member or former member dies;

(b) A member or former member disappears;

(c) A member or former member leaves Ontario (presumably permanently); and

(d) A person's membership in the Society is cancelled or his rights and privileges suspended,

> "and in any such event his practice is neglected to the prejudice of any person, or no provision has been made for the protection of his clients' interests."

It will be seen that in order to permit the Society to intervene in a solicitor's practice, there must be a neglect of the practice attributable to one or more of the specified events, and these events do not exhaust the possible list of occurrences which can place clients' interests in jeopardy. For example, a solicitor may neglect his practice or even abandon it altogether, without dying, disappearing or leaving Ontario, or without the commencement of disciplinary proceedings resulting in a cancellation or suspension of his rights as a member of the Society.

Your Committee considers that this is a serious oversight and ought to be remedied.

This, of course, raises an extremely difficult problem – how to specify a complete list of events that will permit the Society to make a successful Section 43 application without unfairly prejudicing the member concerned? Your Committee is aware that on March 18, 1977 the Treasurer appointed a Committee to consider the question of interim suspensions primarily to deal with the problem of the member who continues to misapply trust funds pending the completion of disciplinary proceedings against him.

It is apparent that an interim suspension would trigger the operation of the present Section 43, but would give rise to additional problems. In the first place, an interim suspension might well prejudice the result of the disciplinary proceedings and, secondly, such a suspension might have to be removed prior to the completion of the administration of the trust, which could put the Society in a difficult position if the member then sought an Order discharging the trusteeship order.

In the United Kingdom the circumstances in which the Society there, may intervene in a solicitor's practice are provided for in Part I of Schedule 1 to The Solicitors Act 1974 and are as follows:

"1. (1) Subject to sub-paragraph (2), the powers conferred by Part II of this Schedule shall be exercisable where –

(a) the Council have reason to suspect dishonesty on the part of –

  (i) a solicitor, or

  (ii) an employee of a solicitor, or

  (iii) the personal representatives of a deceased solicitor,

  in connection with that solicitor's practice or in connection with any trust of which that solicitor is or formerly was a trustee;

(b) the Council consider that there has been undue delay on the part of the personal representatives of a deceased solicitor who immediately before his death was practising as a sole solicitor in connection with that solicitor's practice or in connection with any controlled trust;

(c) the Council are satisfied that a solicitor has failed to comply with rules made by virtue of section 32 or 37 (2) (c);

(d) a solicitor has been adjudged bankrupt or has made a composition or arrangement with his creditors;

(e) a solicitor has been committed to prison in any civil or criminal proceedings;

(f) the powers conferred by section 104 (emergency powers) or 105 (appointment of receiver) of the Mental Health Act 1959 have been exercised in respect of a solicitor; or

(g) the name of a solicitor has been removed from or struck off the roll or a solicitor has been suspended from practice.

(2) The powers conferred by Part II of this Schedule shall only be exercisable under sub-paragraph (1) (c) if the Society has given the solicitor notice in writing that the Council are satisfied that he has failed to comply with rules specified in the notice and also (at the same or any later time) notice that the powers conferred by Part II of this Schedule are accordingly exercisable in his case.

2. On the death of a sole solicitor paragraphs 6 to 8 shall apply to

the client accounts of his practice.

4. (1) Where the powers conferred by Part II of this Schedule are exercisable in relation to a solicitor, they shall continue to be exercisable after his death or after his name has been removed from or struck off the roll.

(2) The reference to the solicitor or his firm in paragraphs (5) (1), 6 (2) and (3), 8, 9 (1) and (5) and 10 (1) include, in any case where the solicitor has died, references to his personal representatives."

It thus appears that the emphasis here is plainly upon listing the specific events with the resulting danger that the practice in question may be seriously neglected by reason of events that have not been specified.

There will always be a discretion to be exercised in determining whether or not to intervene, and later on in this Report we have recommended the establishment of a Trusteeship Committee to assist in the making of those decisions. Your Committee, however, also recognizes that there are situations in which a trusteeship could have been prevented had the solicitor in question been able to obtain assistance at an early stage. In many instances in the past, trusteeships have resulted from a solicitor's inability to cope with law office management.

THE ADMINISTRATION OF THE TRUST

The first problem considered by your Committee was the adequacy of Section 43 as it stands. At the present time the Section authorizes the trustee to take possession of property in the solicitor's possession or under his control. Nothing is said in Section 43 (1) about title and Section 43 (1) does not purport to vest beneficial title in the trustee. When read as a whole, the intent of Section 43 is far from clear. There is a reference in Section 43 (2) which equates the trustee with a committee, and Section 43 (4) provides that a judge may by order:

> "make provision for the remuneration and disbursements and indemnification of the trustee out of such moneys or otherwise as the judge may specify."

The word "moneys" does not elsewhere appear in Section 43 and "otherwise" may not mean "other property in the trustee's possession".

What then is the Society to do with respect to the expenses incurred in the administration of these trusts? The practice to date has been to collect amounts receivable and apply the amounts realized to the trustee's costs. Trust funds have not been used for this purpose and it is not clear whether or not those funds are available. As a result the Society is substantially out-of-pocket with respect to the trusteeships that it has arranged for in the past.

The administration of a trusteeship can often require a great deal of professional attention. This will be the case where the solicitor has had an active practice with clients and files needing attention. In such a case the Law Society has asked the Court to appoint either a practising lawyer or chartered accountant as trustee since the members of the Law Society's secretariat and audit staff simply do not have the time to perform the necessary administrative work. (The Sub-Committee had before it a summary of the Law Society's experience with trusteeships since 1970.)

In most cases the solicitor's trust records have been used (usually after a great deal of work in order to correct or re-construct them) to pay those clients whose monies can be traced. No guidance is provided by the legislation as to what to do with trust funds that cannot be traced. These problems do not appear to exist in the United Kingdom by reason of the fact that the compensation fund administered by the Law Society there has always fully reimbursed clients whose funds have been lost due to the dishonesty of a solicitor. Accordingly, when the Law Society intervenes in a solicitor's practice in England, a vesting order is made in favour of the Society and, inevitably, the solicitor's practice is wound-up. In that situation the application of trust funds to the solicitor's costs or the ability to trace particular clients funds becomes an academic exercise.

The issue is, however, of importance in Ontario, in situations where there are insufficient funds in the trust account to cover all the solicitor's trust obligations and there is doubt as to the ownership of those funds, and the issue is also of importance where there are unclaimed funds in the trust account. In the former case it would be possible to pay the balance of trust monies on hand into court under s. 36 of the Trustee Act, and in the latter consideration is being given by a special committee to the establishment of a separate fund to be administered by the Law Society, the net income from which might go to the Law Foundation.

RECOMMENDATIONS

Your Committee recommends that in addition to the guidelines hereinafter discussed, Sections 42 and 43 of The Law Society Act should be repealed and replaced. The Committee's suggested draft appears as *Schedule "A"* to this Report. *(See p. 134-6.)*

As the trusteeship provisions may be invoked for the purpose of carrying on a solicitor's practice as well as for the purpose of winding-up such a practice, it is apparent that guidelines established for the former class of trusteeship may be quite inappropriate for the latter. In the former situation, the trustee must be careful to preserve client goodwill if at all possible, and can therefore become heavily involved in the practice of law on behalf of the solicitor in question. In the latter situation, the trustee will merely attempt to identify those files which require immediate attention, carry out the minimum of repair work in order to turn over all files to other solicitors. It may also be anticipated that a trusteeship originally constituted to preserve a practice may eventually have to be converted to a winding-up process. In your Committee's view, with the establishment of the Practice Advisory Service, the majority of future trusteeships will be of the winding-up kind. Consequently, it should be the trustee's purpose to intervene primarily for the protection of the public and to terminate the trusteeship as quickly as possible. The carrying on of the practice for any length of time is undesirable and involves the need for protection against claims resulting from malpractice.

Schedule "B" attached to this Report contains the recommended guidelines for trusteeships. *(See p.136-7.)*

As indicated earlier your Committee is of the view that the secretariat and those performing services as or for trustees ought to have available, from time to time, the direction of a Committee of Benchers and to fulfill this need we propose the establishment of a Trusteeship Committee. We believe that this Committee should be separate and apart from the Discipline Committee for two reasons. In the first place, many trusteeship situations do not involve disciplinary matters and secondly, in those cases where there is a disciplinary aspect, it is desirable that the member whose conduct is to be the subject of a disciplinary hearing be tried upon the evidence adduced at that hearing. While steps could be taken to ensure that the panel of the Discipline Committee selected to conduct that hearing be composed of members of the Discipline Committee who were not familiar with the other aspects of the problem, this can be done and be seen to be done more effectively by the establishment of a separate Trusteeship Committee.

While at the present all members of Convocation serve as members of the Discipline Committee, this report recommends a change in that practice.

It is considered that members of the Trusteeship Committee should not be members of the Discipline Committee or at least not members of the Policy Section of that Committee.

In summary, your Committee recommends as follows:–

1. That Sections 42 and 43 of The Law Society Act should be repealed and replaced as indicated in *Schedule "A"*. Consideration should also be given to including a definition of "property".

2. That the guidelines for trusteeships set forth in *Schedule "B"* be approved.

In addition, your Committee recommends that Section 9 of The Law Society Act be amended by adding before the word "treasurer" in the second line, the word "the Society", so as to make it clear that the Society as well as its officers and agents are protected against proceedings for acts done in good faith.

Section 9 of The Law Society Act presently reads in part as follows:–

> "No action or other proceedings for damages shall be instituted against the Treasurer or any Bencher,official of the Society, or person appointed in Convocation for any act done in good faith in the performance or intended performance of any duty..."

ALL OF WHICH is respectfully submitted.

DATED this 8th day of February, 1979.

"B. H. Kellock"
B. H. Kellock
Chairman

SCHEDULE "A"

AMENDMENTS TO SECTIONS 42 AND 43 OF THE LAW SOCIETY ACT

42. (1) The Society may, with leave granted by the order of a Judge of the Supreme Court upon an ex parte application intervene in the practice of a member, whenever the Treasurer, the Secretary, or the chairman or a vice-chairman of the Trusteeship Committee believes on reasonable grounds that;

(a) a member has been or may be guilty of professional misconduct;

(b) a member's practice has been or may be neglected to the prejudice of any person;

(c) inadequate provision has been made by a member for the protection of his client's interests;

(d) for any other reason intervention is necessary or desirable for the protection of the public or the member's clients.

(2) In addition to granting leave pursuant to sub-section (1) a Judge of the Supreme Court may by order, upon an ex parte application;

(a) direct that no payment or disposition shall be made, without the consent of the Society, by any person acting with knowledge of the order, of any money or property held by him (in whatever manner and whether it was received before or after the making of the order) to or on behalf of the member or his firm;

(b) direct that all money or property in which the member has an interest whether beneficially or as trustee or to which he becomes entitled while the order is in force be vested in the Society to the extent of the member's interest to be dealt with in accordance with Section 43.

(3) Any person may apply to a Judge of the Supreme Court for an order varying or discharging any order made under this Section or Section 43.

(4) For the purposes of this Section and Section 43 "member", includes former member, deceased member, student member, and the personal representatives of a member, former member, deceased member, or student member, and a member whose rights and privileges have been suspended.

43. (1) All money or property vested in the Society pursuant to Section 42 shall be held and administered by the Society or such person or persons as the Society may appoint on trust to exercise in relation thereto the powers hereinafter mentioned for the purposes of preserving, carrying on or winding-up the practice of the member, and subject thereto on trust for the persons beneficially entitled thereto.

(2) For the purposes of this Section the Society may;

(a) distribute money or property to the persons entitled thereto;

(b) propound a scheme to be approved by a Judge of the Supreme Court including provisions for the disposition of money or property which is unclaimed or which cannot be distributed by reason of doubt as to the proper disposition thereof, and a Judge of the Supreme Court may from time to time, by order, vary the scheme and give all other necessary orders and directions including authorizing the payment of money into court;

(c) do everything that the member might have done in relation to the money or property vested in the Society.

(3) The expenses incurred by the Society in obtaining and implementing orders made pursuant to this Section and Section 42 are a debt of the member to the Society.

SCHEDULE "B"

PROPOSALS FOR PROCEDURES FOR TRUSTEESHIPS

INTRODUCTION

The following is an outline of procedures that may be followed by the Society or its appointee. Not all steps would be followed in each case, and additional steps might be followed in some cases.

The suggestion is that these procedures be written for internal use, but not as part of the statute or regulations. This gives flexibility.

PROCEDURES FOR TRUSTEESHIPS

1. ORDER

Serve copy of order on:

(a) solicitor; or
(b) his next-of-kin or legal representative(s);
(c) landlord;
(d) banker;
(e) any known debtor of the solicitor.

2. POSSESSION

Take possession of solicitor's property including:

(a) cash on hand;
(b) cash in bank for accounts connected with the practice and to which clients' money might be traced, and term deposits in trust, both trust and general and estates;
(c) files;
(d) other trust or negotiable valuable property held in trust.

3. TRUST MONEY

(a) Write-up trust accounts;
(b) Balance trust accounts monthly;
(c) Reconcile trust bank account monthly;
(d) Trial balance trust liabilities at date of possession;
(e) Reconcile trust bank account at date of possession;
(f) Compare trust liabilities to reconciled trust funds on deposit at date of possession to determine trust position;
(g) Test-check trust accounting records to determine their reliability.

4. ESTATES AND TRUSTS

(repeat steps 2 and 3)

5. FILES

(a) Segregate open from completed files;
(b) Inventory open files;
(c) Assess the stage of completion of open files to ensure that dates for action will not be missed and take any necessary action;
(d) Contact the clients involved in open files for their instructions;
(e) Turn over open or completed files as directed by clients and obtain receipts.

6. PREMISES

(a) Make arrangements for staffing for the anticipated term of the active trusteeship;
(b) Make arrangements with the landlord or otherwise for accommodation for the term of the active trusteeship.

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Convocation approved the Report for submission to the Legislation and Rules Committee.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. P. B. C. Pepper, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 8th March, 1979.

The following members were present: Messrs. Pepper (Chairman), Cass and R. J. Gray.

APPLICATION

The Committee considered one application for a grant. The Committee recommended that a grant be made and the applicant advised that any further application must be supported by a complete financial statement showing assets, liabilities, income and expenses.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON INVESTMENTS

Mr. P. B. C. Pepper, Chairman, presented the Report of the Special Committee on Investments of its meeting on Thursday, 8th March, 1979.

The following members were present: Messrs. Pepper (Chairman), Brulé and Lochead.

The Committee recommended that Martin, Lucas & Sheard Ltd., Independent Investment Counsel, be retained at an annual retainer of $6,000 per annum payable quarterly until the end of 1980.

THE REPORT WAS ADOPTED

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P. M.

. . . .

The Treasurer and Benchers had as their guest for luncheon Mr. Christopher G. Jones, C. A., President of Anglestone Limited of Cambridge.

. . . .

CONVOCATION RESUMED AT 2:05 P. M.

. . . .

PRESENT:

The Treasurer and Messrs. Bowlby, Brulé, Bynoe, Carnwath, Carthy, Cass, Cooper, R. J. S. Gray, Guthrie, Mrs. Legge, Messrs. Lochead, McWilliams, Orkin, Outerbridge, Pepper, N. MacL. Rogers, Ruby, Seagram, Shibley, Mesdames Sutherland and Tait, Messrs. Tobias and Willoughby.

. . . .

FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 8th March, 1979.

The following members were present: Messrs. Pepper (Chairman), Brulé, Ground and Ogilvie.

ROLLS AND RECORDS

Deaths

The following members have died:

Brian Blackburn Beach, Q.C., Windsor	Called – 25 March 1966 Died – 13 January 1979
Edmund Abner Brown, Q.C., Toronto	Called – 21 May 1936 Died – 9 February 1979
Patricia Delores Carter-Coulton McTavish, Scarborough	Called – 10 April 1964 Died – 30 January 1979
Ernest Garside Black, Q.C., Toronto (Life Member)	Called – 22 May 1919 Died – 24 February 1979

Noted

RESIGNATIONS

The following members applied for permission to resign their membership in the Society and asked to be relieved of the necessity of publication in the Ontario Reports:

Stanley Howard Jackson	Calgary, Alberta
William Scott Pearson, Q.C.	Port Alberni, B.C.

Approved

MEMBERSHIP UNDER RULE 50

Retired Members

The following members who are sixty-five years of age and over and who are fully retired from the practice of law, requested permission to continue their membership in the Society without payment of annual fees:

John Archibald Head	Toronto
James Montalieu McLean	Hamilton
Byron Wesley Rich, Q.C.	Toronto

Approved

CHANGE OF NAME

The following *member* requested that her name be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Danuta Kazimiera Hoppe-Radomski	Danuta Kazimiera Hoppe *Radomski* (hyphen omitted)

The following *student members* requested that their names be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Patricia Fay Reed	Patricia Fay *Doty* Reed (including maiden name)
Ann Marie Merritt Kennedy	Anne Marie *Merritt* (deleting married name)
Christos Tzicos	*Christopher James Tzekas* (Court Order)
Judith Leigh Yormak	Judith Leigh *Baird* Yormak (including maiden name)
Susan Margaret Manion	Susan Margaret *Manion-Jolicoeur* (including married name)
Jeanne Dale Archibald	Jeanne Dale Archibald *Lederman* (including married name)
Susan Elizabeth Richer	Susan Elizabeth *Armatage* Richer (including married name)
Valerie Roxanne McGarry	Valerie Roxanne *M'Garry* (original Irish spelling of surname)

Approved

The following *student member* has requested that her name be changed on the rolls of the Society but to date has *not* submitted the required documentation in support:

From	*To*
Lydia Maria Olah	Lydia Maria *Barchynsky* Olah (including maiden name)

Approved subject to documentation.

ARCHITECT'S ACCOUNT

Mr. Arthur Heeney, the Society's Architect, submitted his account in the amount of $5,863.96 in connection with various building projects.

Approved

PORTRAITS

The Committee was asked to consider the commissioning of a portrait of Mrs. Laura L. Legge, Q.C., the first woman to be elected a Bencher.

Approved

(Mrs. Legge took no part in the discussion and did not vote.)

INSTITUTIONAL ADVERTISING

On 29th September, 1978, Convocation approved the report of the Special Committee on Advertising which included a recommendation that the Society advertise in the Yellow Pages.

The Committee had before it a copy of the advertisement as it will appear in the Toronto Yellow Pages when next issued. The same advertisement will appear in the Yellow Pages across the Province, with the exception that the Toronto number for the Lawyer Referral Service will be shown as an INWATS number for places outside the local calling number.

The cost of placing this advertisement in the Toronto Yellow Pages is $190.45 per month. A commitment has been made to Tele Direct, the publishers of the Yellow Pages, to have this advertisement placed in the Toronto directory.

Tele Direct submitted two contracts covering the expansion of the coverage of the advertisement to all future issues of Yellow Pages across the Province as publication dates arise. The first of these contracts covers all of Ontario, with three exceptions and commits the Society to an annual expenditure of $53,487.60. A separate contract, covering three directories not published by Tele Direct, involves a further cost of $344.45 per year.

The contracts are subject to rate changes if the publication date of the directory is later than December 1979. For example, a directory covering Cornwall/Hawkesbury, which is included in the contract at $95.80 per month, may in fact involve a greater expenditure when the directory is published in March 1980.

Although the signing of this contract commits the Society, the actual current cost will build up gradually as each directory publication date is reached.

The Committee recommended that the contracts respecting Toronto and Kingston be confirmed and that the Secretary negotiate with Tele Direct with respect to the cost of the balance of the directories.

BAR ADMISSION COURSE

The Government Grant for the Bar Admission Course for 1979/80 has been set at $481,000, an increase of 5% over 1978/79.

The Legal Education Committee at its meeting today recommended an increase in the student fee to $603. The following shows the probable deficit for 1979/80:

	$	$
Estimated Costs for 1,085 students		1,865,461
Government Grant	481,000	
Student Fee ($603)	654,255	1,135,255
Deficit		$ 730,206

The Committee approved the recommendation of the Legal Education Committee.

PUBLIC RELATIONS COMMITTEE

The Public Relations Committee arranged for the production of a film on the subject of Family Law. Mr. Outerbridge, in a letter to the Chairman of that Committee estimated a cost of below $10,000. The Public Relations Committee budget for the current financial year is $20,000, of which some $300 has been spent. However, the annual commitment in connection with Yellow Pages advertising in excess of $20,000 will be included in the Public Relations Committee budget.

The Committee approved a maximum expenditure of $5,000 in respect of the film and associated cost.

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing law associations which have sent in their Annual Returns for 1978 and setting out the amounts of the grants to which they appear to be entitled under the Regulation in 1977 and 1978. The Libraries and Reporting Committee approved these grants at its meeting on 8th March, 1979, subject to the approval of this Committee.

Approved

RETAINING COUNSEL

A Writ of Summons was served on Mr. Peter B. Bell (Assistant Secretary responsible for the Libraries and Reporting Committee), Hamilton Law Association, Law Society of Upper Canada and Canada Law Book Ltd. The Plaintiff is Datinder Sodhi, also known as William Sodhi, carrying on business under the firm name and style of Law & Business Publications.

The Committee recommended the retention of Counsel in this matter.

THE REPORT WAS ADOPTED

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DISCIPLINE COMMITTEE (Continued)

GENERAL

Mr. G. H. Lochead, Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 8th March, 1979.

The following members were present: Messrs. Lochead (Chairman), Bynoe (Vice-Chairman), Carnwath (Vice-Chairman), Cass, Chappell, Cooper, Furlong, Ruby and Mrs. Sutherland.

1. PROCEDURE RE POST-SUSPENSION AND POST-DISBARMENT

The Committee considered a proposal from the Society's senior auditor, Mr. Robert Anderson, C.A. This proposal was with respect to the procedures to be followed to wind up or assist in the winding up of a disbarred member's practice or to assist in the interim conduct of a suspended member's practice, in the interests of his clients. The Committee recommended that Section 34 of The Law Society Act be repealed and that a new Section be substituted therefor, which, subject to the approval of the Legislation and Rules Committee would read as follows:

> 34.—(1) If a member is found guilty of professional misconduct or of conduct unbecoming a barrister and solicitor after due investigation by a committee of Convocation, Convocation may by order cancel his membership in the Society by disbarring him as a barrister and striking his name off the roll of solicitors or may by order suspend his rights and privileges as a member for a period to be named or may by order reprimand him or may by order make such other disposition as it considers proper in the circumstances.
>
> (2) Within 7 days from the effective date of cancellation of his membership or suspension of his rights and privileges a former member or a member shall satisfy the Secretary that he has made suitable arrangements for making available to his clients or to some other member or members instructed by his clients or by himself:
>
> (a) all wills, documents evidencing title, books of accounts, records, vouchers and papers in his possession or control relating to any trust; and
>
> (b) all money and negotiable valuable property held by him on behalf of his clients; and
>
> (c) clients' files and papers,
>
> and if he fails so to satisfy the Secretary, sections 42 and 43 of this Act may

be applied in relation to him.

(3) For the purposes of subsection 2, the expression "effective date" means the latest of the following dates:

(a) the date of the order of Convocation by which his membership is cancelled or his rights and privileges are suspended;
(b) the last date on which an appeal against that order may be lodged;
(c) the date on which any such appeal is dismissed or abandoned.

2. The Committee considered and issued necessary instructions with respect to a number of other matters.

Convocation approved Item 1 – *Procedure re Post-Suspension and Post-Disbarment* for submission to the Legislation and Rules Committee.

THE REPORT WAS ADOPTED

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COMPENSATION FUND SUMMARY

Mr. J. D. Carnwath, Vice-Chairman, presented the Compensation Fund Summary for the period ended 28th February, 1979.

COMPENSATION FUND
For the Period from 1st July, 1978 to 28th February, 1979
(8 months)

TOTAL RECEIPTS	$ 410,987.76
TOTAL DISBURSEMENTS	$ 106,400.32
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 304,587.44
BALANCE OF FUND at beginning of period	$1,566,550.49
BALANCE OF FUND at end of period	$1,871,137.93
CLAIMS RECEIVED and in the course of being processed as of end of period	$4,996,403.76

THE SUMMARY WAS RECEIVED

. . . .

LEGAL AID COMMITTEE—Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 7th March, 1979.

The following members were present: John D. Bowlby, Chairman, and Messrs. Barnes, Carnwath, Carter, Courtemanche, Ellis, Ferrier, Mrs. Fleming, Messrs. Gilchrist, Guthrie, Jones, Linden, Nixon, Ogilvie, Ruby, Mrs. Smyth, Mrs. Tait.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95 (2), for the ten month period ended January 31, 1979, shows that payments from the Legal Aid Fund exceeded budget by $441,000. Funds designated for community clinics were underspent by $33,000. Therefore, payments for the major portion of the Plan's operation exceeded budget by $464,000 as follows:

Over budget	$	$
Duty Counsel payments	79,000	
Criminal certificate accounts	489,000	
Civil certificate accounts	209,000	777,000
Under Budget		
Legal Advice certificates accounts	61,000	
Salaried Duty Counsel Project	7,000	
Area Office costs	67,000	
Provincial Office costs	178,000	313,000
Net payment over budget		464,000

Analysis of overpayment on Civil Certificate accounts:

		$,000	
	Budget	*Spent*	*Over budget*
Divorce	2,818	2,851	33
Other Domestic	2,592	2,723	131
Other Civil	1,408	1,453	45
	6,818	7,027	209

Income from sources other than the Province of Ontario was over budget by $528,000 as follows:

	$
Law Foundation	212,000
Client contributions	185,000
Costs recovered	118,000
Miscellaneous income	13,000
	528,000

Therefore, in net cost terms, the fee-for-service component of the Plan is under budget by $64,000 ($528,000 – $464,000).

As at January 31, 1979, there was a balance in the Fund of $509,000.

Accounts receivable past due more than 90 days

	At Jan. 31, 1979	*Last Month*	*Last Year*
Value	$1,750,000	$1,753,600	$1,565,000
% of total receivables	61.6	62.2	60.0

Statistics

The following table compares reported activity for the first ten months of this fiscal year with the activity for the same period in the previous fiscal year:

	10 months ended Jan. 31, 1979	*10 months ended Jan. 31, 1978*	*% Change from last year*
Informal applications	95,145	78,864	+ 20.6
Applications for certificates	92,052	86,903	+ 5.9
Refusals	29,304	28,718	+ 2.0
As a percentage of applications	31.8	33.0	
Certificates issued	66,531	62,812	+ 5.9
Persons assisted by Duty Counsel:			
Fee for service	124,435	119,924	
Salaried Duty Counsel	29,689	22,299	
Total	154,124	142,223	+ 8.4

The following is an analysis of assistance provided to persons who contacted area offices across the province. This analysis excludes the activity of duty counsel.

	10 months ended Jan. 31, 1979		*10 months ended Jan. 31, 1978*	
	No.	%	No.	%
Total persons seeking assistance (Informal and formal applications)	187,197	100.0	165,767	100.0
Advice and referral (Informal applications)	95,145	50.8	78,864	47.6
Certificates issued	66,531	35.6	62,812	37.9
Unassisted persons	25,521	13.6	24,091	14.5
	187,197	100.0	165,767	100.0

Write-Offs

George E. Wallace, Vice-Chairman, approved the write-off of the following total of amounts due to the Legal Aid Fund: $14,725.98.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Activity

	1978/79 Fiscal Year		*1977/78 Fiscal Year*	
	Month of Feb. 1979	*11 Months to Feb. 1979*	*Month of Feb. 1978*	*11 Months to Feb. 1978*
Accounts on hand at beginning	7049	6016	6157	4657
Accounts received	6032	60036	5429	56730
Total Accounts to be processed	13081	66052	11586	61387
Less: Files Cancelled	39	390	30	439
Accounts processed	5977	58597	5747	55139
Balance	7065	7065	5809	5809

In addition to the number of accounts for services completed there were:

Interim Accounts	269
Supplementary Accounts	247

Reviews

	February 1979	*11 Months to Feb. 28/79*	*11 Months to Feb. 28/78*
Reviews on hand	174		
Reviews received in	83	1415	1106
	257		

	February 1979	*11 Months to Feb. 28/79*	*11 Months to Feb. 28/78*
Settlements reviewed in	120	1269	1121
Settlements awaiting further information	3		
Settlements awaiting review at end of	134		
	257		

Appeals

	December	*January*	*February*
Appeals to Taxing Master received during	3	1	–
Appeals heard by Taxing Master	–	–	–
Appeals pending at the end of the month	7	8	5
Appeals abandoned	–	1	3

LEGAL AID JOINT COMMITTEE

The Legal Aid Joint Committee appointed to implement proposals for improving the existing Plan met weekly over the past month.

At the March meeting Mr. Lee K. Ferrier, Chairman of the Legal Aid Joint Committee, reported on the work of the Committee as follows:

(a) Provision for Staff Investigators

Consultants from Chicago, who had implemented the use of a full-time investigative staff in the United States, had been retained and had prepared a questionnaire. The questionnaire was to be forwarded to members of the Bar in York County who have placed their names on the criminal legal aid panel. The purpose of the questionnaire is to gather information from participating lawyers to ascertain what they would expect from, and how they would use, an investigative facility in the Provincial Office when acknowledging criminal Legal Aid certificates. The information gathered through the questionnaire will be used by the consultants as an aid in making their recommendations to the Legal Aid Plan in implementing the pilot project.

(b) Criminal Legal Aid Panel – York County

In February, Convocation approved a recommendation of the Joint Committee on Competence and Legal Aid which proposed criteria to be met by members of the Bar wishing to be placed on the criminal legal aid panel and to make it possible for a legal aid applicant to identify members of the panel who are competent to handle serious criminal cases. Convocation approved that lawyers entitled to 10 points under a proposed scale should be permitted to have their names placed on the criminal legal aid panel. Convocation further approved criteria which would entitle lawyers to be identified as competent to handle serious criminal cases.

The York County Area Director was requested to write all members of the York County Bar whose names now appear on the criminal legal aid panel, inviting them to complete an information sheet. The information sheet will contain a list of qualifications necessary to be placed on the criminal legal aid panel and will list the points (which will take into account a variety of types of experience and education), that will qualify members to serve on the said panel and also identify members who are competent to handle serious criminal cases. A new legal aid criminal panel will be established in York which, when available, will greatly assist an applicant in choosing a lawyer.

(c) Tariff

The Legal Aid Committee was reminded that Convocation had approved minor revisions to some tariff items and also approved changes to the "three tier system" which would enable the Plan to pay experienced lawyers at higher rates than those paid to less senior members of the Bar. The proposed tariff is now being studied by the Government and it is hoped that the Attorney General will make the tariff, if approved, effective April 1st, 1979.

The Legal Aid Committee was advised that, when the tariff is approved, a copy of the tariff with an explanatory letter will be sent forthwith to the profession. The experience incentive will also be explained. A certification form regarding the tier system will be mailed to the profession at the same time. The form will indicate to members of the profession how they should calculate the tier into which they fall for the purpose of payment under the new tariff.

(d) Central Research Bank

In January, Convocation approved the hiring of a Director of Research to establish a Central Research Bank to be located in the Provincial Director's Office to collect, collate and up-date research performed under a legal aid certificate.

Forty applications have been received and the Legal Aid Committee was advised that a sub-committee consisting of Mr. Ferrier, the Provincial Director and Sidney B. Linden were meeting with selected candidates for the position.

(e) Standard Form of Legal Aid Account

The Legal Aid Committee was informed that the Joint Committee was reviewing the need for a standard form for submitting a legal aid account.

It is felt that the use of such a form may expedite the payment of a solicitor's account and provide the Plan with necessary information and facilitate the Legal Accounts Department. Mr. Ferrier emphasized, however, that no decision had yet been made.

STEERING COMMITTEE

Drafting of Wills

The Legal Aid Committee approved a recommendation of the Steering Committee with respect to the drawing of wills.

From time to time an Area Director is requested by a senior citizen to assist in drawing a will. The administration has complied with the request in unusual circumstances. At the last meeting of Area Directors the Provincial Director was requested to develop a policy which would ensure uniformity. One suggestion which emanated from the meeting was that a duty counsel should assist in the drawing of a will for those who receive the old age pension *and the supplement.*

The Steering Committee recommended that Area Directors be authorized to retain duty counsel in appropriate circumstances and in the discretion of the Area Director, to draw wills for those who receive the old age pension *and the supplement.*

The Steering Committee further suggested that if its recommendation received approval, a notice setting out the criteria should be put in the Legal Aid News Letter.

SUB–COMMITTEE RE: SALARIED DUTY COUNSEL IN YORK COUNTY

In December, 1978, Convocation approved the recommendation that the pilot project with respect to salaried duty counsel at the Old City Hall, York County, be made permanent.

The Legal Aid Committee approved the Sub-Committee's request that the said sub-committee be made a standing committee of the Legal Aid Committee to monitor and evaluate the project.

The Committee also approved that the Director of the permanent duty counsel project be responsible to the Area Director for the County of York.

NATIONAL LEGAL AID RESEARCH CENTRE

On January 19th, 1979, the Directors of the Provincial Plans met in Toronto to discuss the future of the National Legal Aid Research Centre. Also present at the meeting were representatives of the Federal Department of Justice and from the University of Montreal.

The Provincial Directors were supportive of the idea that the Centre should continue but in a restructured form so as to effectively put control of the Centre in the hands of the Provincial Plans of Canada.

The Department of Justice indicated its willingness to support the Centre subject only to the working out of a formula which would permit the Federal Government to make a significant financial contribution to the operating costs of the Centre. A formula has now been designed whereby the Federal Government would contribute 100% of the costs for a six-month period ending July 15th, 1979, and thereafter one third of the costs on a continuing basis. As a result the Ontario Legal Aid Plan is being asked to contribute the sum of $17,200 for the fiscal year 1979-80.

After discussion the Legal Aid Committee recommended that a contribution of $17,200 for the fiscal year 1979/80 be approved as Ontario's financial contribution to the National Legal Aid Research Centre.

The Committee requested that a detailed report be made on the operation of the National Legal Aid Research Centre early in 1980 and before any further contribution is approved by the Legal Aid Committee, outlining the benefits which the Ontario Legal Aid Plan derived from its participation in subsidizing such a research centre.

The report and recommendation considered by the Committee was before Convocation.

LIENS – AMENDMENT TO SECTION 41 OF THE REGULATION

The Provincial Auditor in his Statement to the Law Society on the Legal Aid Fund noted that

> "where a person owns land in Ontario and has agreed to contribute cash towards the cost of legal aid provided, the Law Society may place a lien against such property on behalf of the Fund. Such lien is in an amount equal to the amount of his agreed cash contribution."
>
> "Where a person owns land in Ontario and has agreed to contribute towards the costs of legal aid, but is unable to contribute in cash, the lien placed against his property is in an amount equal to the estimated cost of legal aid provided. This action is based upon an interpretation of Section 18 of the Act. For the purpose of clarity, it is again recommended that, should future amendments be made to the Act, consideration be given to amending Section 18 in order to incorporate the above interpretation."

The Legal Aid Committee at its meeting in December requested that Mr. R. E. Barnes, be appointed a sub-committee of one to draft an amendment to the section of the Regulation dealing with liens for the Committee's approval.

The Regulation Committee had already drafted amendments to the Regulation dealing with liens. Mr. Barnes reviewed with the Regulation Committee the proposed amendments to Section 41 of the Regulation.

The Legal Aid Committee has now approved the suggested amendment which is as follows:

Section 41 – Delete this section in its entirety and substitute the following:

41. (1) Subject to the provisions of subsection 2 of section 16 of the Act, applications not refused by the area director shall be referred to the appropriate assessment officer for a report under subsection 3 of section 16 of the Act.

(2) (a) Where the area director has determined that the applicant or some other person associated with him can and should contribute some part of the cost or the whole cost, a certificate shall not be issued until the applicant or such other person or both has signed and the area director has received the agreement to pay contained in Form 6.

(b) An agreement to contribute may provide for payments at a fixed time or times or for payment on the disposition of real or personal property at any time.

(3) Where the agreement contained in Form 6 is not signed and returned within fifteen days of the date on which it was sent to the applicant, the area director may refuse the application.

(4) In the event that the area director for any reason provided in the Act or Regulations decides not to issue a certificate, he shall refuse to issue the same and forthwith after such decision shall send the applicant notice of such refusal in writing in Form 3.

(5) Refusal of an application pursuant to subsection 4 shall not be a bar to a later application for the same purpose.

(6) A certificate of lien referred to in subsection 1 of section 18 of the Act shall be in Form 29.

(7) A certificate of discharge of lien referred to in subsection 7 of section 18 of the Act shall be in Form 30.

CLINICAL FUNDING COMMITTEE

(a) Proposed Regulation

Mr. Lee K. Ferrier, a member of the Clinical Funding Committee, reminded the Committee that in February Convocation had approved the report of The Honourable Mr. Justice S. G. M. Grange on clinical funding submitted to the Attorney General on October 25th, 1978. Mr. Ferrier noted that although Convocation agreed with the Commissioner's recommendations, Convocation was of the view that three members, of the proposed five member Clinical Funding Committee, should be appointed by the Law Society from the Legal Aid Committee, at least one of these to be a Bencher, and two should be appointed by the Attorney General.

Mr. Ferrier emphasized the necessity of drafting the Regulation immediately to implement the Grange Commission's recommendations. If possible, the Regulation should be ready for Convocation's approval in April.

The Legal Aid Committee approved the appointment of a sub-committee consisting of James B. Chadwick, Chairman of the Clinical Funding Committee, Lee K. Ferrier, and A. G. Campbell, Q.C., Assistant Deputy Attorney General, to draft the necessary Regulation, the sub-committee to retain counsel of its choice to assist with the drafting of the said Clinical Funding Regulation.

(b) Report

A regulation under The Legal Aid Act was approved in 1976, establishing a Clinical Funding Committee consisting of three members. The Clinical Funding Committee makes recommendation to the Director regarding the funding of independent community-based clinical delivery systems. Any recommendation approved by the Director must in turn have the approval of Convocation. At the present time, it is not necessary to obtain the approval of the Legal Aid Committee.

On March 5th, 1979, the Clinical Funding Committee submitted a report to the Director recommending to the Director, and subject to the approval of Convocation, funding for various projects.

The Director recommended to Convocation that the report of the Clinical Funding Committee dated March 5th, 1979, be adopted.

The following is a summary of applications considered by the Clinical Funding Committee subsequent to the report to Convocation dated 5th December, 1978, and the amounts of supplementary funding recommended prior to the conclusion of the fiscal year 1978/79:

	Clinic	*Amount**	*Description*
1.	Community Legal Education Ontario (formerly Toronto Community Law Program)	$3,526	Gestetner, Gestetner supplies, furniture

	Clinic	*Amount**	*Description*
2.	Industrial Accident Victims Group of Ontario	5,200	Xerox, renovations
3.	Landlord's Self-Help Centre	1,800	2 typewriters
4.	Riverdale Socio-Legal Services	2,200	Renovations, moving expenses, furniture, telephone installation
5.	Canadian Environmental Law Assn.	2,500	2 typewriters, dictating equipment
6.	Parkdale Community Legal Services	900	1 typewriter
7.	Legal Assistance of Windsor	1,450	Bookcase, file cabinets, chair, calculator
8.	Metro Tenants Legal Services	3,200	Gestetner, dictating equipment, filing cabinets
9.	Injured Workers' Consultants	600	Furniture
10.	Rexdale Community Information	650	Dictating equipment

*All recommended amounts are subject to the Attorney General's approval of designated funding in the appropriate amounts for clinics for 1978/79.

AREA COMMITTEES

APPOINTMENTS

Section 4(1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended the following be appointed as members of the Area Committees in:

Middlesex County

Ms. Pauline Watson, Native Courtworker, London

Essex County

Mr. Mike Sinkevitch, Union Representative, Windsor
Mr. Fred Corp, Businessman, Windsor

Lambton County

Leo E. Ryan, solicitor, Sarnia

Grey County

Miss Catherine Meanwell, solicitor, Owen Sound

Frontenac County

Peter J. Radley, solicitor, Kingston
Paul C. Ryan, solicitor, Kingston
John R. Crouchman, solicitor, Kingston
Peter F. Kemp, solicitor, Kingston
John T. Hogan, solicitor, Kingston

RESIGNATIONS

Grey County

Roger M. Salhany, solicitor, Owen Sound

Frontenac County

J. G. W. Sands, Q.C., Kingston

DECEASED

Frontenac County

G. L. Sills, solicitor, Kingston

THE REPORT WAS ADOPTED

....

PROFESSIONAL CONDUCT COMMITTEE–Mr. Cooper

Mr. A. M. Cooper, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Wednesday, 28th February, 1979.

The following members were present: Messrs. Cooper (Chairman), Chappell, (Vice-Chairman), Orkin (Vice-Chairman), Bynoe, Carnwath, McWilliams, Outerbridge, Strauss and Mrs. Sutherland.

1. A member asked the Committee whether it would be proper for him to be listed in his local telephone directory both under the heading “lawyers” and under the heading “advocats” even though he does not speak the French language. The area in which the lawyer practises does not have a large French

speaking population. The Committee instructed the Secretary to advise that it could see nothing improper in the lawyer being listed under both headings.

2. A member of the profession, Mr. X, died over ten years ago. Subsequently another lawyer, Mr. Y, purchased Mr. X's practice. In the intervening years the lawyer has, in the yellow and white pages, in addition to his own listing, put the following, "X – Call Y, Q.C.,", the number being given as that of Y's office. Mr. Y was asked why he followed this course of action. He advised that when he took over X's practice he found that he could not trace almost half of the persons who had left Wills with X. In addition over the years Mr. Y has continued to receive calls from X's clients and also calls from other solicitors in the area enquiring as to the whereabouts of Wills. Apparently X, a bachelor, died leaving no family in the area. His secretary of forty years is not listed in the telephone directory. Mr. Y submits that the listings are a convenience to the public and points out that X is not identified in the white pages as a barrister and solicitor nor is X's name included in Y's own listing. The Committee concluded that Mr. Y should be allowed to continue listing under X's name provided it be in the following fashion, "X – deceased for information call...". Y's number would continue to be used.

3. As a result of the Society's recent change with respect to advertising certain publications have been actively soliciting advertisements from members of the profession. One of these is the "Ontario Dentist". This publication in its circular being sent to lawyers states "Now...you can address your services directly to this market – more than 4,000 dental practitioners across Ontario – in a professional but low-cost manner, through the pages of their own professional association journal, ONTARIO DENTIST." Sub-paragraph (a) of paragraph 14 of the Commentary to Rule 13 reads in part:

> "A lawyer may publish a professional card in a newspaper, periodical, law list, programme or directory (other than a telephone directory) which is in general circulation in each place in which he maintains an office for the practice of law, provided that the publication will accept cards from all lawyers without restriction."

The question was asked whether the "Ontario Dentist" could be considered as a periodical which is in general circulation. The Committee was of opinion that it does not and has instructed the Secretary to so advise the publishers. It was felt, however, that the use of the phrase "general circulation" should be carefully reviewed and accordingly the Committee appointed a Sub-Committee composed of Mr. Outerbridge as Chairman along with Mr. Carnwath to perform this function.

4. From enquiries that have been made of the Secretariat it appears that there has been some confusion as to the meaning of the word "place" as used in paragraph 14(a) of the Commentary to Rule 13. Such questions have been raised as to whether advertisements should be restricted to the municipality where the lawyer practises or to the county in which the municipality is located. Other lawyers have asked whether the word could be interpreted to mean counties adjacent to the county in which they practise. As a result the Committee appointed a Sub-Committee to consider what should be covered by the word "place", with a view to making recommendations to Convocation.

5. The Committee considered thirteen other matters with the appropriate instructions being issued in each instance.

THE REPORT WAS ADOPTED

. . . .

Mr. Cooper presented the Report of the Professional Conduct Committee of its meeting on Thursday, 8th March, 1979.

The following members were present: Messrs. Cooper (Chairman), Chappell (Vice-Chairman), Orkin (Vice-Chairman), Carnwath, Lochead, McWilliams, Outerbridge, Strauss, Mrs. Sutherland and Mr. Tobias.

1. *Referred back to the Committee by Convocation.*

2. The Committee considered a letter from a member of the profession which reads in part:

> "The mortgage forms as printed by Dye & Durham and Newsome & Gilbert have, for many years, provided a clause stating that in case of default, the mortgagee can demand a penalty equal to three months' interest before accepting any further payments.
>
> There have been several decisions by the Ontario Supreme Court in the last one or two years stating that this provision is void as being in conflict with the provisions of The Interest Act which prohibits the increase of interest by reason of a default in payment.
>
> The decisions have become well known to Ontario practitioners but yet I encounter a problem from time to time when a solicitor demands the payment of the three months' penalty and suggests that if the mortgagor wants to invoke the recent court decisions, the mortgagor is welcome to sue his client. It would appear that a solicitor who is well aware of the current law must realize that his client is committing blackmail and my question is if it is in accordance with professional ethics for a solicitor to assist his client in attempting to blackmail a mortgagor."

The Committee was of the opinion that when a lawyer asserts the right of a client, which right may have been the subject of a contrary ruling by the court in an action not involving that client, the lawyer is not necessarily acting unethically.

3. In addition to the foregoing the Committee considered and issued the necessary instructions with respect to eight other matters.

THE BALANCE OF THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE–

Mr. N. MacL. Rogers

Mr. N. MacL. Rogers, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 8th March, 1979.

The following members were present: Messrs. Norman MacL. Rogers, (Chairman), Chilcott (by invitation), Shibley, Strauss, Mrs. Tait and Mr. Wallace and Miss A. R. McCormick.

GREAT LIBRARY

AMERICAN ASSOCIATION OF LAW LIBRARIES

The Chief Librarian submitted a request that she and an Assistant Librarian be permitted to attend the annual meeting of the American Association of Law Libraries in San Francisco, California, June 30 - July 5, 1979.

Approved

GIFTS AND DONATIONS

The following donation of books was received in the Great Library:

Hector Soubliere, Q.C. North Bay	82 volumes of texts and a number of unbound volumes of the Canada Supreme Court and Exchequer Court Reports for 1962 to 1969.

Noted

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

The Committee recommended the approval at a cost of $1,532.50 Canadian funds to continue a *subscription to American Jurisprudence, 2d* and further recommended an annual expenditure of $70 for the maintenance of this series. The $1,532.50 would utilize a part of the special account the balance of which was shown as $19,633.00 on January 31, 1979.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Law Associations listed below have sent in their Annual Returns for the year 1978. The amounts of the grants which they should receive under the Regulation in 1979 and those which they received in 1978 are as follows:

	1978	*1979*
Brant	$2,000.00	$2,000.00
Carleton	2,000.00	2,000.00
Elgin	1,670.00	1,740.00
Hamilton	2,000.00	2,000.00
Kenora	1,350.00	1,300.00
Lindsay	1,285.00	1,285.00
Oxford	2,000.00	2,000.00
Peel	2,000.00	2,000.00
Perth	1,495.00	1,565.00
Rainy River	750.00	750.00
Simcoe	2,000.00	2,000.00
Temiskaming	830.00	830.00
Welland	2,000.00	2,000.00

Approved subject to the approval of the Finance Committee.

REPORTING

LAW REPORTING

The Secretary reported that he had received from Mr. Farquharson a draft agreement between Canada Law Book Limited and the Law Society. Mr. Shibley disclosed his interest in this matter and refrained from voting.

The Committee recommended that the Chairman, the Vice-Chairman and J. F. Howard, Q.C. and D. V. Burnett, C.A. be authorized to negotiate with Canada Law Book Limited concerning the terms of the revised draft agreement.

Approved

WEEKLY SUMMARIES

The Chief Librarian submitted a request to send a photocopy of the Weekly Summaries to each of the County and District Law Libraries. The Committee recommended that this request be granted and that the Secretary write to The Honourable Mr. Justice Arnup to obtain approval for this distribution of the Weekly Summaries.

WRIT OF SUMMONS

The Secretary reported that he had been served with a Writ of Summons as a result of Canada Law Book Limited refusing to place an advertisement placed by an individual who was advertising a Family Law Loose Leaf Service. The Committee recommended that Counsel be retained to defend the action, subject to the approval of the Finance Committee.

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. White

Mr. P. G. Furlong presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 8th March, 1979.

The following members were present: Messrs. White (Chairman), Furlong, Mrs. Legge, Messrs. McWilliams, Seagram, Strauss and Tobias.

1. Three accounts of the Society's investigator were approved for payment.

2. The Secretary reported that he had received a complaint from a solicitor advising that an individual was advertising in The Skills Exchange that he would be giving a course in Incorporating Your Small Business. The Committee recommended that the individual be prosecuted for a breach of Section 50 of The Law Society Act.

3. The Secretary reported that he was in receipt of a complaint about an individual advertising in a newspaper that he would draft divorce documents for $155 plus costs. The Committee recommended that the individual be prosecuted for holding himself out to be a solicitor contrary to Section 50 of The Law Society Act.

4. The Secretary reported that he was in receipt of a report from the Society's investigator concerning a company that appeared to be giving advice on bankruptcy matters. The Secretary was instructed to notify the Metropolitan Toronto Police Fraud Squad and to send a copy of the letter to the R.C.M.P. so that an investigation would be carried out.

5. The Secretary reported that he had written to the Florida Bar Association and to the Quebec Bar Association with respect to the solicitation by a Florida attorney and a Quebec solicitor. The Secretary was instructed to send the complaining solicitor the forms which are required to be filed with the Florida State Bar Association when a complaint is being made concerning a Florida attorney.

6. The Secretary reported that he had received a letter from the Director, Companies Division, concerning an individual who was operating an incorporation agency. The Companies Division had received no applications for incorporation from the agency.

7. The Secretary reported that he had received a complaint from a solicitor enclosing a Notice re Professional Will Typing Services and a Will Information Sheet, which was sent to a client of his by a self-counsel publishing company. The Secretary was instructed to send the material to the British Columbia Law Society.

THE REPORT WAS ADOPTED

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PRACTICE AND INSURANCE COMMITTEE–Mr. Kellock

Mr. I. W. Outerbridge, Vice-Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 8th March, 1979.

The following members were present: Messrs. Outerbridge (Vice-Chairman in the Chair), Ogilvie, Wallace and Mrs. Legge. Messrs. Hargraft and Maltman were present at the Chairman's request.

DIFFERENTIAL LEVIES, CANCELLATION OF COVERAGE AND DISCIPLINE PROCEEDINGS

A letter dated February 13th, 1979 from Mr. Bruce Perrault was before the Committee.

The Committee recommended that he be advised that his letter will be considered when next the question of differential levies is before the Committee.

STATISTICAL STUDY IN PREPARATION FOR 1980 RENEWAL NEGOTIATIONS – FORM OF REPORTS TO BE MADE TO CONVOCATION

A memorandum dated January 18th, 1979 from Mr. Stinton was before the Committee.

The Committee recommended that a special meeting of the Committee be called between now and the next regular meeting and that Peter Norman be asked to attend that meeting to consider a form which will give most assistance to the Committee in considering the position of the programme and that he be asked to attend a further meeting to discuss renewal negotiations for 1980.

COUNSEL FEES

A list of the fees paid to Counsel during February, 1979, was before the Committee.

Noted

ADJUSTERS' FEES

Lists of the fees paid in February, 1979, to adjusters under the old Fund, under the 1977 Fund and the 1978 Fund were before the Committee.

Noted

MONTHLY REPORT

Mr. Hargraft's monthly report was before the Committee.

Noted

THE REPORT WAS RECEIVED

. . . .

MOTION: DISTRIBUTION TO JUDGES OF COMMUNIQUE, MINUTES OF CONVOCATION AND GAZETTE

It was moved, seconded and *carried* that the Communiqué, Minutes of Convocation and Gazette be supplied to those judges who wish to receive them.

. . . .

CONVOCATION ROSE AT 4:20 P.M.

. . . .

Read in Convocation and confirmed 20th April, 1979.

G. D. FINLAYSON
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Thursday, 5th April, 1979
11:30 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Bowlby, Carter, Cass, Ground, Guthrie, Kellock, Mrs. Legge, Messrs. O'Brien, Ogilvie, Orkin, Pallett, Pepper, Pomerant, N. MacL. Rogers, Seagram, Mesdames Sutherland and Tait, Messrs. Thom and Willoughby.

. . . .

BENCHERS ELECTION, 1979 EXTENSION OF TIME FOR RECEIPT OF BALLOTS

The Treasurer requested Convocation to ratify a change in Rule 12 (4) to extend the date for receipt of ballots from Monday, 23rd April, to Monday, 30th April.

It was moved, seconded and *carried* that Rule 12 (4) respecting the date for receipt of ballots for election of Benchers be changed to extend the date prescribed for the receipt of such ballots from 23rd April to 30th April.

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Pallett

Mr. J. C. Pallett, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 5th April, 1979.

The following members were present: Mr. J. C. Pallett, Chairman, Messrs. R. J. Gray, Ground, Kellock, Outerbridge, N. MacL. Rogers, Thom and Mrs. R. M. Tait.

BOARD OF REVIEW INTERIM REPORT FOR THE 20TH BAR ADMISSION COURSE

The interim report of the Board of Review on the 20th Bar Admission Course was before the Committee showing the names of the nine hundred and ninety-four candidates who have been found to have successfully completed the Bar Admission Course and the names of the five candidates who have been found to have failed the Bar Admission Course. The Board further determined that fifty-nine candidates are required to write supplemental and/or special examinations in accordance with the terms of the grading policy.

Approved

SCHOLARSHIPS AND PRIZES

The list of prize winners in the 20th Bar Admission Course was before the Committee.

Approved

THE REPORT WAS ADOPTED

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ADMISSIONS COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 5th April, 1979.

The following members were present: Mr. Ground, Chairman, Mrs. Legge, Vice-Chairman, Messrs. Cass, R. J. Gray, Pallett and Mrs. Sutherland.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

A list of 983 candidates, who have successfully completed the Twentieth Bar Admission Course, filed the necessary documents and paid the required fee of $210, and who applied for call to the Bar and to be granted Certificates of Fitness was submitted as follows:

344 Candidates	– Toronto	– 5th April 1979
385 Candidates	– Toronto	– 6th April 1979
145 Candidates	– Ottawa	– 9th April 1979
109 Candidates	– London	– 11th April 1979

Approved

THE REPORT WAS ADOPTED

....

CONVOCATION ADJOURNED FOR LUNCHEON AT 11:00 A.M.

....

The Treasurer and Benchers had as their guests for luncheon in the Benchers Dining Room at Osgoode Hall, The Honourable Gregory T. Evans, Chief Justice of the High Court of Justice for Ontario; His Honour Chief Judge W. E. C. Colter, County and District Courts of Ontario, and Mrs. Colter; His Honour Chief Judge F. C. Hayes, Provincial Courts (Criminal Division) for Ontario, and Mrs. Hayes; The Honourable Mr. Justice William A. Donohue, Supernumary Judge of the High Court of Justice for Ontario, and Mrs. Donohue; Mr. G. W. Collins-Williams, Q.C., Director of Legal Education; and Mrs. E. Rachael Knox, Assistant Director, Bar Admission Course.

....

Following luncheon the Treasurer, the Benchers and their guests proceeded to the O'Keefe Centre for the Call to the Bar Ceremonies of the 344 graduates of the Twentieth Bar Admission Course who had applied to be called on Thursday, 5th April, 1979.

....

CONVOCATION RESUMED AT 2:00 P.M.

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PRESENT:

The Treasurer and Messrs. Bowlby, Carter, Cass, Ground, Guthrie, Kellock, Mrs. Legge, Messrs. O'Brien, Ogilvie, Orkin, Pallett, Pepper, N. MacL. Rogers, Seagram, Mesdames Sutherland and Tait, Messrs. Thom and Willoughby.

The body of the auditorium was occupied by the 344 graduates, their families and friends.

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CONFERRING OF HONORARY DEGREE

Mr. J. C. Pallett, Chairman of the Legal Education Committee, read the following Citation:

> Mr. Treasurer –
>
> It is my pleasant duty to ask you to bestow upon Brendan O'Brien the highest honour The Law Society of Upper Canada has to give.
>
> His outstanding effectiveness as an advocate rests not only upon his ability to discern and evaluate the main point upon which complex issues turn but also on his skill in helping others to see it in proper perspective and to appreciate its importance. His balanced wisdom has been increased by a critical study of history, particularly Canadian, and enriched by the pursuit of broad and varied interests. He has used his professional talents unstintingly in service to the public through over forty-five years of practice. During the past twenty years as a Bencher of the Society he has been called upon to guide the progress of many committees engaged on work of wide importance and as Treasurer to give reliable leadership to the elected governors of the legal profession in Ontario. He has thus made significant contributions to the continued independence of the Bar upon which rests the independence of the Judiciary and ultimately the freedom of the people.
>
> I request you, Sir, to confer upon Brendan O'Brien the degree of Doctor of Laws, honoris causa.

The Treasurer then conferred the degree of Doctor of Laws, honoris causa, upon Mr. Brendan O'Brien, Q.C.

The Treasurer introduced Mr. O'Brien who addressed the graduates.

. . . .

PRESENTATION OF AWARDS AND APPOINTMENTS

Mr. G. W. Collins-Williams, Director of Legal Education, presented the recipients of awards and appointments to the Treasurer.

The Treasurer presented the following prizes:

The Law Society Prize for the student
obtaining the fourth highest marks in the Course:

David Neil Corbett

The McCarthy Income Tax Prize:

Thomas Bernard Akin

The Arthur Wentworth Roebuck Prize for Family Law:

Stephen Ira Selznick

The Practitioners Prize in Real Estate:

Robert Webster Wilson

and congratulated the following who have been given special appointments:

Law Clerks to The Honourable G. T. Evans, Chief Justice of
the High Court of Justice for Ontario:

Todd Lewis Archibald
David Allan Basskin
Phyllis Hope Ortved
Silja Svea Seppi

Law Clerks to His Honour Chief Judge William E. C. Colter,
Chief Judge of the County and District Courts for
the Counties and Districts of Ontario:

Ross William Steedman Flowers
Edward William Purdy

A Law Clerk to His Honour Chief Judge F. C. Hayes, Chief Judge of the Provincial Courts (Criminal Division) for Ontario:

Corinne Margaret Rivers

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CALL TO THE BAR

Mr. J. D. Ground, Chairman of the Admissions Committee, presented to the Treasurer 344 candidates for Call to the Bar as follows:

TWENTIETH BAR ADMISSION COURSE 1978–79

CANDIDATES FOR CALL TO THE BAR ON THURSDAY, 5TH APRIL, 1979

Deborah Joy Aaron
Gloria Jean Adair
Thomas Bernard Akin
James Elliott Allen
Donald Miller Alloway
Suesan Elizabeth Alves
Margaret Joan Angevine
Jill Christine Anthony
Todd Lewis Archibald
Kathi Jane Arkin
Michael Frederick Daniel Armstrong
David McCrae Atkinson
John Kin Cheong Au
Paul Marvin Austin
Joshua Menahem Bach
Nancy Lorraine Backhouse
William Noble Bain
Michael John Somers Barber
Daniel Alexander Barna
Virginia Ann Bartley
Thomas Nicholas Basciano
David Allan Basskin
Don Roy Beardall
Harry Alexander Beatty
Mary Elizabeth Beckett
Andrew Bruce Bell
Toby Belman
John Thomas Bentley
Louise Roseanne Berman
Robert Richard Berman
Stephen Ryan Biss
Thomas William Bloodworth
Lonny Corbett Bomberry
Sharon Judith Borinsky
Michel Georges Bouchard
Gordon Howard Bourgard
Stuart John Brannan
John Gintaras Brazys
Valerie Christine Bright
Catherine Anne Brown
Catherine Margaret Burns
Ian William Campbell
Anita Susan Chaiton
David Chaiton
Jeanne Elizabeth Challis
Alexander Peter Christopher
Michael Frank Ciavaglia
Andrew George Clademenos
John William Clarke
William Courtland Cline
John William Clutterbuck
David Neil Corbett
Karen Marie Corbin
Gerald Douglas Courage
David William Croft
Clinton Harrison Culic
Jean Jerome Cusmariu
Elizabeth Jean Danylchuk
Francis Earl Darou
David Davies
Alan Joseph Davis
John Norman Davis
Florence Martha Deacon
Jacob Nicolaas de Jong
Andrew Csont Dekany
Walter Donald Devenney
Nicholas Ernst John Dietrich
Anthony DiLena
Lennard Michael Dimitry
Terence Stephen Dineen

Paul Vincent Di Paul
Grant Henry Doak
Richard James Dolegiewicz
John Joseph Donohue
Sharon Elizabeth Dowdall
William Alexander Doyle
Kathleen Draper
Valentina Duchnaj
Robert Charles Dudley
Theodore Carl Dueck
Ronald Kendrick Durand
James Anthony Easto
Terrence Gregory Edgar
Nancy Eileen Edwards
Paul Donald Edwards
Steven Paul Ehrlick
Jane Elizabeth Emrich
Norman Epstein
James Anthony Ermacora
Peter William Bennett Everett
David Alfio Joseph Fabbro
Janet Alexandra Feasby
Colleen Ann Fee
Ephraim Fiksel
Erik James Fish
Barry Bernard Fisher
Alexander Fiszauf
Douglas Gerald Flood
Ross William Steedman Flowers
Elizabeth Joyce Forster
David Andrew Fram
William Friedman
John Edward Fulcher
Danielle Fuochi
Thomas Furst
William Hughes Fysh
George Stephen Gage
Francis Louis Gardner
Maria Francesca Gazzara
Nicholas Edward Gehl
Linda Laine Gehrke
Gary Roy Geller
John Mathers Gemmell
Laurence Michael Geringer
Douglas Gardner Gilbert
John Eric Clair Glass
Sheldon Ellis Joel Glickman
David Sydney Godard
Lillyann Denise Goldstein
Phyllis Joan Gordon
Gary Alan Greenfield
Paul Ernest Grespan
Jonathan Gerald Griffiths
Michael Gruda
Ernest Fernando Gutstein
John Robert Hall
Mary Judith Clendenen Hall
Margot Torrance Hallman
David Bruce Hamilton
Elizabeth May Harney
David Allan Harris
Mark Allan Hartman
Ruth Elizabeth Hartman
Michael Donald Hartrick
Allan Anthony Hawryluk
Bruce Scott Henderson
Thomas Michael Hennessy
Joel Lawrence Hertz
John Roger Higgins
William James Hilger
Michael Edward Hinchey
Henry Ka-Shi Ho
Christopher Holoboff
David Bryan Holub
David Scott Hornstein
Charles Edward Humphrey
Daniel Philip Iggers
Patricia Diane Jackson
Erica Lesley James
Jack Neil McCleave Jamieson
Floyd George Janes
Randall Vincent Johns
James Henry Johnson
Donald Stewart Jones
Eric James Jordan
Martin Jurjans
Nickolas William Carl Kamula
Speros Constantine Kanellos
Heather Leigh Katarynych
Ronald Philip Kaufman
Susan Dianne Kaufman
Philip Joel Kaye
Robert Blake Kennedy
Grant James Kenney
Lila Maureen Kenny
Andrew John Francis Kent
Michael William Kerr
William Moresby Kershaw
Jussi Kustaa Kivisto
Philip Geevarghese Kopparath
Mark Randolph Koss
Alice Teresa Kowalishin
Stephen Kwinter
Ted Roland Laan
Catherine Anne Lace
Donald Van Lambo
David Stephen Lampert
Michael Joseph Lang
Diane Jeannette LaRocque
Wayne Steven Laski
Donald Gordon LeFeuvre
Donald John Lenardon

Yolanta Marya Lewis
Susan Orenstein Little
Alan David Litwack
Leo Francis Longo
Peter Allen Love
Olga Luftig
John Ivan Frank Lukezich
Stephen Joseph MacDonald
Roderick Grant MacGregor
Ronald James Maddock
Martin Maierovits
Heather Louise Main
Allan Martin Mandell
Alison Rosemary Manzer
Howard Allen Marcus
Andrea Mildred Margles
David John Charles Martin
Robert Francis McDonald
Robert Frank McGlynn
Leslie Marie McIntosh
John Alexander McKean
Donald James McKee
Darcie Deborah Lynn McKelvey
William Neil McKinnon
Ross Charles McLean
Bradley Nelson McLellan
Steven Franklin McMurray
John McNamee
Robert Ainslie McNeely
Judith Anne McTavish
James Thomas Melville
Francis Michael Mencarelli
Stothard Wayne Mercer
Salvatore Merenda
Frank Michael
Daniel Melford Francis Mitchell
Alawi Khayyam Mohideen
Christopher Alan Montague
Helen Vivien Morgan
Leslie Jane Morgan
Kevin Michael Moriarty
Charles Arthur Morrison
Joseph Jody Morrison
Murray James Morrison
Mildred Janet Morton
Steven Michael Mucha
Frances Alice Murphy
Janice Marie Newman
Paul James Bundegaard Nielsen
Bernard Henry Noik
Janet Carol Oldreive
Phyllis Hope Ortved
Robert Kent Ovenden
Lee Simon Paikin
Toomas Piliste
Sheldon Polansky
Joseph Brian Pollock
Ethan Jacob Poskanzer
George Maurice Power
David Barry Prentice
Heather Marion Probert
Slawko Prypasniak
Edward William Purdy
Harvey Louis Rechtsman
Donald George Redekop
Richard Arnold Reimer
Dorothee Maria Retterath
Lorne Aubrey Richmond
James Albert Riley
John Lawrence Ringer
Corinne Margaret Rivers
William Henry Roberts
Linda deLisle Robinson
Ronald Charles Rodgers
Brian MacLeod Rogers
Elizabeth Anne Rogers
Patrick Shivnarayan Roopchand
John Jay Ross
Lenore Ruth Rowntree
David Rubin
Jonathan David Rudin
Avrom Salz
Ian Martin Samis
Philippa Gower Samworth
Iva Sareen
Barbara Anne Sargeant
Gordon Satoshi Sato
John Howard Saunders
Marc Evan Schiffer
Harold Leslie Sclodnick
Robert Fleming Scott
Susan Scott
Stephen Ira Selznick
Sidney Wynton Semple
Silja Svea Seppi
Donald Bryan Shanks
Ralph Howard Shay
Peter Shen
Jeffrie David Shulman
Murray David Silverberg
Neal Peter Silverberg
Robert Neil Singer
Bohdan Ihor Sirota
Glen Henryk Siwanowicz
Andrew John Skinner
Howard Jeffery Sloan
Lorne Franklin Slotnick
Andreus Rainis Snelius
Morris Sosnovitch
Richard Stanwick
Alfred Edward Starr
John Stephen Stohn

John Douglas Strung
Larry Edward Stulberg
Constance Lorie Sugiyama
Robert Stansfield Sutherland
Henry Paul Swierszcz
Gerald Stanley Swinkin
Ping Kwan Tam
Robert Gordon Tanner
Dwight Raymond Montgomery Taylor
Leslie Irving Tenenbaum
Harold Tevel
Anne Caroline Thackray
Russell Main Thompson
Paul Albert Edward Thomson
Robert Francis Tighe
Donald Arne Tikkala
Barry Martin Tobin
Daniel Gaetano Ernest Toppari
Gary William Tranmer
Arthur John Trebilcock
Vicki Margaret Trerise
Marek Zygmunt Tufman
James Frederick Voege
Charles Michael Christopher Vokes
George Wesley Thomas Voorheis
Peggie Ann Walden
Lorne Allan Waldman
James Trevor Walker
David William Walkling
John Pelham Warner
James William Waters
Jon Milton Webb
Eric Rudolph Weinheimer
Virginia Mary West
Allyn Jerome Wey
Robin John Wigdor
Joanne Wildgoose
Richard David Williams
David Stewart Willmot
Robert Webster Wilson
Robert William Wilson
Billy Wong
Daniel James Wyjad
William Kin Yee
Berta Giovina Claira Zaccardi
Marilyn June Zaitzeff
Christopher Paul Zapf
Carl Sheldon Zeliger
David Wayne Ziriada
Arnold Howard Zweig

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

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CONVOCATION ADJOURNED AT 3:30 P.M.

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Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in the O'Keefe Centre with The Honourable Gregory T. Evans, Chief Justice of the High Court of Justice for Ontario, presiding.

Mr. Ground presented the candidates to the Chief Justice of the High Court, before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of the High Court then addressed the new Barristers.

....

At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in the O'Keefe Centre.

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Read in Convocation and confirmed 18th May, 1979.

G. D. FINLAYSON
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

RESUMED – Friday, 6th April, 1979
2:00 p.m.

Prior to Convocation the Treasurer and Benchers had as their guests for luncheon in the Benchers Dining Room at Osgoode Hall The Honourable W. G. C. Howland, Chief Justice of Ontario; The Honourable Mr. Justice Sydney L. Robins of the High Court of Justice of The Supreme Court of Ontario and Mrs. Robins; Mrs. Ricki Sharpe; Mr. G. W. Collins-Williams, Q.C., Director of Legal Education; Mrs. E. Rachael Knox, Assistant Director, Bar Admission Course, and Mr. Kenneth Knox; and Mr. William R. Buchner, Q.C., Assistant Director, Bar Admission Course, London, and Mrs. Buchner.

. . . .

Following luncheon the Treasurer, the Benchers and their guests proceeded to the O'Keefe Centre for the Call to the Bar Ceremonies of the 385 candidates who had applied to be called on Friday, 6th April, 1979.

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CONVOCATION RESUMED AT 2:00 P.M.

. . . .

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Brulé, Cass, W. Gibson Gray, Ground, Mrs. Legge, Messrs. Orkin, Outerbridge, Pallett, Mesdames Sutherland and Tait, Messrs. Thom and White.

The body of the auditorium was occupied by the 385 graduates, their families and friends.

. . . .

CONFERRING OF HONORARY DEGREE

Mr. J.C. Pallett, Chairman of the Legal Education Committee, read the following Citation:

> Mr. Treasurer –
>
> Stuart Douglas Thom is deserving of the highest honour The Law Society of Upper Canada has to give.
>
> Having crowned by achievement the early promise of academic success he took up the responsibilities of legal practice as a member of the Bar of Saskatchewan, then exchanged the duty of professional service to his clients for the more hazardous duty of martial service to his country as an officer in the Canadian Navy during the Second World War.
>
> Upon his return his country became his client and sought his advice respecting the unpopular but inevitable laws of taxation. Two years later he was called to the Bar of Ontario and in Toronto resumed the private practice of law.
>
> The qualities of mind, at once critical and constructive, which have distinguished and guided his own development stimulated the interest and improved the knowledge of students-at-law during a period of six years when he taught them in his chosen field.
>
> He has maintained a youthful energy and innovative imagination which have been conspicuously engaged for the benefit of the profession as a whole over the past thirteen years, first as a Bencher serving on a wide variety of committees with onerous duties to discharge, then as Treasurer when for two terms he guided the development of the profession during a period of remarkable enlargement of the Society's membership and responsibilities, and now as chairman of a liaison committee which will exercise a decisive influence on the future of the legal framework upon which all our freedoms rest.
>
> I request you, Sir, to confer upon Stuart Douglas Thom the degree of Doctor of Laws, honoris causa.

The Treasurer then conferred the degree of Doctor of Laws, honoris causa, upon Mr. Stuart Douglas Thom, Q.C.

The Treasurer introduced Mr. Thom who addressed the graduates.

....

PRESENTATION OF AWARDS, SCHOLARSHIPS AND APPOINTMENTS

Mr. G. W. Collins-Williams, Director of Legal Education, presented the recipients of awards, scholarships and appointments to the Treasurer.

The Treasurer presented the following prizes and scholarships to:

The Treasurer's Medal; The Roland O. Daly Scholarship; The Edwin George Long, K.C., Memorial Scholarship; The Commercial and Company Law Prize; The S. J. Birnbaum, Q.C., Scholarship for Estate Planning (First Prize – tie); The International Academy of Trial Lawyers Prize for Civil Procedure; The Harcourts Advocacy Award; and The Herbert Egerton Harris Advocacy Scholarship:

Douglas Garfield Benson

The Law Society Prize for the student obtaining the second highest marks in the Course; The Edwin George Long, K.C., Memorial Scholarship; and The S. J. Birnbaum, Q.C., Scholarship for Estate Planning (First Prize – tie):

John Howard Butler

The Law Society Prize for the student obtaining the third highest marks in the Couse; The Joseph Sedgwick, Q.C., Prize for Criminal Procedure; and The Vera L. Parsons Prize:

Juli Morrow

The William Belmont Common, Q.C., Prize for Criminal Procedure:

Bette Lee Eubank

The Benjamin Luxenberg Prize in Creditors' and Debtors' Rights:

Betty May-Foon Ho

The S. J. Birnbaum, Q.C., Scholarship for Estate Planning (First Prize – tie):

Jack Bernstein

and congratulated the following who have been given special appointments:

Law Clerks to The Honourable W. G. C. Howland,
Chief Justice of Ontario:

Pamela May Gibson
Jeffrey Stephan Leon
Patricia Lynn Olasker
Alexander Joseph Stewart

Law Clerks to The Honourable G. T. Evans, Chief Justice
of the High Court of Justice for Ontario:

Douglas Gerald Hatch
Richard James Hay
Gary Joel Lax
Ellen Neeman

. . . .

CALL TO THE BAR

Mr. J. D. Ground, Chairman of the Admissions Committee, presented to the Treasurer 385 candidates for Call to the Bar as follows:

TWENTIETH BAR ADMISSION COURSE 1978–79

CANDIDATES FOR CALL TO THE BAR ON FRIDAY, 6TH APRIL, 1979

Brian Francis Adamson
Stephen Arthur Albert
Dale Warren Alexander
Ann Elaine Allan
Jon Joseph Allen
Robert Dean Allison
Jeffrey Alpert
Craig Allan Arthurs
Irv Ash
James Carman Avis
Sheila Janice Baldwin
Karon Christine Bales
Ronald Allan Balinsky
Douglas James Bamberger
Robert John Banik
Jeanne Banka
John Douglas Beattie
Douglas Garfield Benson
Paul Bentley
David Mendel Bereskin
Ronald Leo Bernbaum
Helen Bernstein
Jack Bernstein
Linda Jean Betts
Sandra Gail Birnbaum
John Alexander Black
Harry Blaier
Maureen Bogoroch-Ditkofsky
Micaela Obreanu Borup
Roger Carl Joseph Bourque
Laura Jane Bradbury
Douglas Alexander Breault
Joseph Fabien Gaetan Brisson
Ronald Craig Brown
Penelope Elizabeth Bryan
Joan Margaret Burgwin
Edward Lloyd Burlew
John Howard Butler

Barry Robert Campbell
Catherine Arlene Campbell
Paul Donald Vincent Cannon
Frederick Caplan
Anthony Bruce Carfagnini
Elizabeth Ann Carman
Ralph Edward William Carr
Craig Richard Carter
Mark Edward Paul Cavanaugh
Jeffrey Jay Chapnick
Gerard Paul Charette
Ralph Ciccia
Dino John Cirone
Edith Harriet Cody-Rice
Gene Cary Colman
Robert Leslie Colson
Heather Penelope Cooper
Janet Margaret Marion Cooper
Ricki Denise Cott
Arlene Coviensky
Stephen Ross Coxford
Jon David Crittenden
Bonnie Lynn Croll
Thomas Albert Cromwell
Robert Bruce Crouch
Patricia Anne Crowley
Lawrence John Crozier
Philip Russell Cunnington
Marlene Joyce Davidge
John William Davis
Bruce Douglas Day
Peter Robert Deacon
Deborah Jane Nickerson de Bakker
Mary Baptista de Munnik
Ann Teresa Devitt
Frederick Wayne Dickens
Rick Allan Dilts
Joyce Ditkofsky
David Lorne Dorsch
Harvey Shane Dorsey
Philip Jacobs Draper
Paul William Dusome
Ross Ferguson Earnshaw
Brian Patrick Robert Eby
Robert Charles Edwards
Shane Alexander Ellis
Eric Ross Elvidge
Michael Phillip Engelberg
Alfred Johann Esterbauer
Bette Lee Eubank
David Wayne Fairbrother
George Farkas
Paul Robert Fecser
Lawrence Wayne Fedchun
Gary Norman Feldman
Mark Fenson
Sheldon Carey Fenton
Stanley Paul Fienberg
Ronald Christopher Filipovich
Paul Gordon Findlay
Reeva Miriam Finkel
Paul Charles Finley
James Michael Fitzpatrick
David Gordon Fleet
Timothy Michael Fleming
Brian Edward Fogo
Lawrence Michael Foy
Mark Peter Frawley
Marc Stuart Freedman
Donald Bruce Garrow
James Alexander Garvie
Pamela Mae Gibson
Eugene Joseph Anthony Gierczak
Duncan William Glaholt
George Gluck
Sandra Rose Margulis Gluck
Alvin Charles Gluek
Jeffrey Brian Goldenberg
Harry Solomon Goldstein
Frank Kenneth Gomberg
Nancy Sue Goodman
Philip Gordin
Calum Donald Graham
Brian William Gray
Beryl Beatrice Green
Pauline Elizabeth Green
Rocco Grilli
William Gula
Margot Elizabeth Halpenny
Gregory Calvert Ham
John Thomas Hamer
Douglas Scott Hamilton
Madelaine Ann Hare
David Earl Hartley
Douglas Gerald Hatch
Tuula Sinikka Haukioja
Richard James Hay
Grant Robert Michael Haynen
Robb Craig Heintzman
Barbara Joan Hejduk
Dalibor Anthony Herceg
Arnold Herschorn
Sender Herschorn
Harry Herskowitz
Catherine Theresa Higgins
Cameron Arthur Mutrie Hillmer
Robert Laurie Hines
Joel Richard Hirsch
Betty May-Foon Ho
Lynne Frances Holland
Richard Frederick Horak
Stepan Horodeckyj

Roslyn Houser
Marion Elizabeth Howard
Garry Hoy
Douglas Michael Hummell
John Charles Francis Hunt
Randolph Bryan Hutson
Terrence Bruce Jackman
Karen Elizabeth Jackson
Mary Kathryn Jarvis
Stephen Philip Johnston
Morris Guy Jones
Arley Steven Karpman
Bernard David Katchen
Aubrey Etan Kauffman
Celia Mary Kavanagh
Sandra Beatrice Kidd
George Bryson Kilpatrick
Sandra Elizabeth Reby Kingston
Elaine Sheri Kirshenbaum
Steven Klein
Marlene Violet Koehler
Beverly Wexler Kogan
Louis Richard Kohn
Nestor Eugene Kostyniuk
Martin Elliot Kovnats
Neil Leslie Kozloff
Paul Kupferstein
Lorri Melanie Kushnir
Katherine Elizabeth Ellen Laird
Michael Arthur Lake
Russell Brant Latham
Gary Joel Lax
Mark Douglas Leach
Joanne Ethel Leatch
James Brett Gordon Ledger
Robert Osborne Lee
Thomas Webster Leishman
James William Leising
Jeffrey Stephan Leon
Steven Seymour Levitan
Howard Alan Levitt
Peter Bryce Lillico
Paul Samuel Lindsay
Joshua Liswood
Douglas George Loucks
John Gordon Lumsden
Janice Marie Macchione
Luigi Macchione
Denyse Cecile Vigors MacKenzie
Christine Irene Mackiw
Carol Elizabeth MacPherson
Roslyn Maian
Robert Phillip Main
Gerald Alan Maldoff
Robert Daniel Malen
Allan Henry Mandel
Harvey Martin Mandel
Sally Elizabeth Haynes Marin
Joseph Silvio Peter Martinello
Dawn Chizu Maruno
Irene Louise Matthews
Richard John Mazar
William John McAndrew
Emily June Patricia McAskie
Eugene Caldwell McBurney
Rosemary Anne McCarney
Ronald John McCloskey
Steven John McCormack
Lisa McCullough
Catherine Mary McEachern
Michael Sheehan McGrann
John David McInnes
Paul Eric McInnis
Percy Ian Bruce McKenzie
David Steuart McLean
Laurie Ruth McLean
Michael Hugh Somerled McSorley
Michael Anthony Menear
Edward Harry Merifield
Ann Marie Merritt
Laura Metrick
Richard Scott Michna
Paul Errol Milbourn
Robert Frederick Miller
James Thomas Mitchinson
Anthony Lee Morin
Lorraine Audrey Elizabeth Morreale
Robert Nicholas Morris
Juli Morrow
Nancy Margaret Mossip
Michael James Mullrooney
Samuel Harry Nash
Julian Roman Nawrocki
Randolph Robert Neal
Ellen Neeman
Wade Donald Nesmith
Petra Erin Newton
Robert Douglas Nicholson
Niall Finbarr O'Kelly
Lydia Maria Barchynsky Olah
Patricia Lynn Olasker
Kathleen Georgina O'Neil
Thomas Lorne West Orendorff
Demetrius Pantazis
Réjean Rudolphe Parisé
Virginia Parlan
Ermanno Pascutto
Roger Anthony Paul
Alexander Pazaratz
Steven Ira Pearlstein
John Frederick Pearson
Edson Gordon Pease

David Henry Peirce
Harry Hryhory Perets
Harry Perlis
Linda Kathryn Wasylyk Perlis
Ingrid Erna Peters
Adam Jonathan Pivnick
Harold Poch
David Anthony Potts
William Percy Halliday Procter
Richard Peyton Quance
David John Quick
Robert Harcourt Ratcliffe
Patricia Fay Doty Reed
Dennis Jonathan Reeve
Frederick Leighton Reid
Peter Edward Reiss
Peter John Rémillard
Inga Karin Rinne
Frances Ann Robertson
Jane Anne Roffey
Robert Henry Rogers
Catherine Olivia Rohmer
Debra Ellen Rolph
Leighton Tiernan Roslyn
John Christopher Ruderman
Lee Edward Sauer
Robert Howard Saunders
Douglas Bruce Scanlon
Ivan Schaefer
Michael Stephen Schelew
Leslie Irvin Schiller
Edgar Richard Schink
Patrick David Schmidt
Daniel Albert Schneider
Mark Michael Schnier
Elizabeth Patrick Scott
William Iain Campbell Scott
David Ross Service
Carol Ann Shamess
Paul Douglas Shantz
Lorne Aron Shapiro
Steven Blair Sharpe
Michael Francis Shoemaker
Murray Brian Shopiro
Jennifer Anne Hyatt Sillberg
Janet Marie Simmons
Bruce Albert Simpson
Maureen Louise Simpson
Livia Singer
Edward James Sinton
Antonio Skarica
Lawrence Ross Skoog
Barry Harper Smith
Ian Douglas Smith
Robert Douglas Laird Smith
Eliott Bruce Solomon
Geraldine Norma Sparrow
Robert Julien Spence
Cono Spitale
Crawford William Spratt
Colleen Edith Roussie Spring
Sheldon Brian Spring
Richard Alan Stainsby
Fred Stasiuk
Walter Stephen Stasyshyn
Lisa Maria Stevens
Pamela Mary Stevens
Alexander Joseph Stewart
Robert Donald Stewart
Andrew Maris Stikuts
Richard Gordon Strongitharm
Jeffrey William Strype
John Andrew Sutherland
Richard Alexander Sutton
Joanne Elaine Swystun
Elena Maria Szamosvari
Alison Christine Taylor
Ashley Clarence Taylor
Gray Edward Taylor
Ross Henry Thomson
Eva Ticktin
Moira McCaskill Trask
Deborah June Tuck
Thomas Saxby Turner
Christopher James Tzekas
John William Vaillancourt
Peter Wardlaw Vair
Stephen Harris James Van Houten
Lillian Vine
Margaret Anne Voll
Karen Terese Voll-Ingram
Judith Ann Barbara Wahl
Diane Elizabeth Walker
William Wilfred Walker
Monica Mary Walsh
Stephen Francis Waqué
Miroslaw Antoni Waraksa
Richard Patrick George Warhurst
Barbara Warner
Katherine Irene Weaver
Thomas Henry Webster
Richard John Weiler
Phillip Ralph Weiner
Roseanne Malka Werb
Wladislaw Cezlaw Wieckowski
Frederick Paul Wiener
Timothy John Wilkin
Gordon Frederick Willcocks
Douglas Robert Wilson
Gregory Bruce Wilson
Peter Frederick Wilson
William James Wise

John David Withrow
Mitchell Lewis Wolfe
Philip Joseph Wolfenden
James Albert Woods
Margaret Florence Woolcott
Ronald Francis Bernard Woynarski
Jeffrey Arthur Wright
Harvey Clifford Yanover
Bernd Edmund Zabel
Vivian Mary Zochowski
Basilio Eugenio Zyla

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

. . . .

CONVOCATION ADJOURNED AT 3:30 P.M.

. . . .

Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in the O'Keefe Centre with The Honourable William G. C. Howland, Chief Justice of Ontario, presiding.

Mr. Ground presented the candidates to the Chief Justice of Ontario, before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of Ontario then addressed the new Barristers.

. . . .

At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in the O'Keefe Centre.

. . . .

Read in Convocation and confirmed 18th May, 1979.

G. D. FINLAYSON
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

RESUMED – Ottawa, Monday, 9th April, 1979
2:30 p.m.

Prior to Convocation the Treasurer and Benchers had as their guests for luncheon at the Rideau Club in Ottawa Me André Brossard, c.r.; The Honourable W. G. C. Howland, Chief Justice of Ontario; The Honourable Mr. Justice George A. Addy of the Trial Division of The Federal Court of Canada, and Mrs. Addy; His Honour Judge K. A. Flanigan, Judicial District of Ottawa-Carleton, and Mrs. Flanigan; Mr. G. W. Collins-Williams, Q.C., Director of Legal Education; Mrs. E. Rachael Knox, Assistant Director, Bar Admission Course; and Mr. J. Patrick Watson, Assistant Director, Bar Admission Course, Ottawa, and Mrs. Watson.

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Following luncheon the Treasurer, the Benchers and their guests proceeded to the National Arts Centre for the Call to the Bar Ceremonies of the 145 candidates who had applied to be called on Monday, 9th April, 1979.

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CONVOCATION RESUMED AT 2:30 P.M.

....

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Brulé, Cass, Chadwick, Chilcott, Farquharson, Ground, Henderson, Mesdames Legge and Tait, and Mr. Willoughby.

The body of the auditorium was occupied by the 145 graduates, their families and friends.

The Treasurer introduced Me André Brossard, c.r., Bâtonnier of the Bar of Quebec, who addressed the graduates.

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PRESENTATION OF AWARD

Mr. G. W. Collins-Williams, Director of Legal Education, presented the recipient of an award to the Treasurer.

The Treasurer presented the following prize to:

The Gowling, Henderson Prize for the student obtaining the highest marks in the Course at Ottawa:

Richard Gaston Tremblay

. . . .

CALL TO THE BAR

Mr. J. D. Ground, Chairman of the Admissions Committee, presented to the Treasurer 145 candidates for Call to the Bar as follows:

TWENTIETH BAR ADMISSION COURSE 1978-79

CANDIDATES FOR CALL TO THE BAR ON MONDAY, 9TH APRIL, 1979

Duncan Angus Abbott
George Noel Addy
Richard John Airey
Linda Jean Allen
Robert Stuart Archibald
Leo Paul Arseneau
Jacqueline Asselin
Stuart Donald Bailey
Kathryn Eve Barnard
Stephen George Bazuk
Christine Louise Blain
Gary Kevin Blaney
Jennifer Anne Blishen
Kathleen Margaret Bloodworth
Richard Kirk Bradley
Paul Gary Bregman
Peter Roderick Brooks
Anthony Frederick Brown
Sandra Joy Brown
Donald Patrick Burke
Roger William Button
James Duncan Campbell
Norman Chadwick
Judie Yuk Wah Chan
Joseph André Luc Charron
Philip Harry Routley Childs
Edward William Claxton
John Alfred Cleary
Douglas John Connell
James Murray Costello
Peter James Elkins Cronyn
Richard Georges Dearden
Katharine Elizabeth Kirkwood Dunkley
Douglas Earl Faulkner
Donald Charles Fisher
Michael John Flatters
Stephen Edmond Joseph Foster
Hugh Lloyd Fraser

Ellen Naomi Fry
Richard Otello Gasparini
David Alan Giannini
Philip Stephen Gibson
David Gisser
Ashley Richard Gnys
Stephen Irwin Goldberg
John Thurston Goodchild
Mary Margaret Gusella
Randolph Jack Austin Gynn
Donna Gail Hackett
Terrance Hamilton Hall
Joy Dora Friedlander Harding
William Dominic Joseph Harrington
Deborah Anne Hawken
Michael Samuel Hebert
William Lyle Hess
Glenn Bruce Higginbotham
Margaret Elizabeth Hill
Jerome Walter Hiscock
Margot Lynne Hornseth
David Raymond Hurley
William John Jussup
Heidemarie Klara Kelly
Patrick Emmet Kierans
Robert Bruce Leach
Pamela Ruth LeMay
Paul Fredelin Lemieux
Katharine Anne MacCormick
Alan Roderick Macdonald
Kevin Eugene Macdonald
Daniel Herman Roy MacIntosh
Catherine Elizabeth Macnaughton
Susan Margaret Manion-Jolicoeur
Fraser Lewis Manning
Ian Robert Marples
Robert Donald Maxwell
Gerard Edward Robert McAndrew
James Gordon McCallum
Terrance John McCarthy
Gordon Yule McDiarmid
Cyrus William McDougall
Susan Teresa McGrath
William Thomas McInenly
Margaret Ann McPherson
Jane Bennett Meagher
Christopher Paul Merla
John Frazer Merritt
Marie Rose Monique Métivier
Joyce Norma Miller
Richard Paul Minard
Ann Laurel Montrose
Brian Gerald Morgan
Robert John Morgan
Matti Edwin Mottonen
David Scott Murray
Maureen Leslie New
Mary Ruth O'Brien
Nora Mary O'Brien
Michael John O'Connor
John Joseph O'Hoski
Marjorie Eleanor Olmsted
Margot Elizabeth Panet
Darlene Mary Patrick
Roman Methodius Arie Plaskacz
Heidi Susan Levenson Polowin
Ronald Prehogan
Thomas James Prince
Frederick Vaughn Pugh
Lynn Diane Ratushny
Jean Louis Joseph Gabriel Richer
Susan Elizabeth Armatage Richer
Evita Mary Roche
Paul Sylvain Rouleau
David Jean Royer
Michael Stefan Ruddy
Susan Toba Krongold Schechtman
Stephen Michael Shabala
Robert Bruce Sheppard
Frans Felling Slatter
Robert George Smart
Russel Sutherland Smart
Kenneth Walter Smith
Robert James Smith
Patricia Louise Spice
John Robert Sproat
Danyl Myron Stotland
Paul Douglas Syryduk
Richard John Taylor
Richard Burke Thornton
Rona Helen Tietolman
Richard Gaston Tremblay
Paul Douglas Trotter
Roger Brian Tucker
André Georges Vanasse
Lucinda Ann Vandervort
Douglas Keith Spencer Ward
Kenneth James Webb
Howard Isadore Wetston
David Michael Whellams
Paul-Emile Wong
David McIver Woody
William John Stephen Workman
James Peter Wright
Pauline Andrée Wylie
Michael Jon Yearsley
Robert Alistair Young

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

. . . .

CONVOCATION ADJOURNED AT 3:50 P.M.

. . . .

Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in the National Arts Centre with The Honourable William G. C. Howland, Chief Justice of Ontario, presiding.

Mr. Ground presented the candidates to the Chief Justice of Ontario, before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of Ontario then addressed the new Barristers.

. . . .

At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in the National Arts Centre.

. . . .

Read in Convocation and confirmed 18th May, 1979.

G. D. FINLAYSON

Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

RESUMED – London, Wednesday, 11th April, 1979
2:30 p.m.

Prior to Convocation the Treasurer and Benchers had as their guests for luncheon at the University Club of the Faculty of the University of Western Ontario in Somerville House, London, Dean David L. Johnston of the Faculty of Law, University of Western Ontario; The Honourable Mr. Justice D. H. W. Henry of the High Court of Justice of The Supreme Court of Ontario and Mrs. Henry; His Honour Judge Patrick S. Fitzgerald, Judicial District of Thunder Bay, and Mrs. Fitzgerald; His Honour Judge Gordon P. Killeen, County of Middlesex, and Mrs. Killeen; His Honour Judge Joseph A. Winter, County of Middlesex, and Mrs. Winter; Mr. James R. Caskey, Q.C., President, Middlesex Law Association, and Mrs. Caskey; Mr. G. W. Collins-Williams, Q.C., Director of Legal Education; Mrs. B. A. Seyffert, Registrar, Bar Admission Course; and Mr. William R. Buchner, Assistant Director, Bar Admission Course, London, and Mrs. Buchner.

....

Following luncheon the Treasurer, the Benchers and their guests proceeded to Elborn College for the Call to the Bar Ceremonies of the 109 candidates who had applied to be called on Wednesday, 11th April, 1979.

....

CONVOCATION RESUMED AT 2:30 P.M.

....

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Carnwath, Chadwick, Furlong, W. Gibson Gray, Ground, Mrs. Legge, Mr. Pallett, Mrs. Sutherland, Messrs. Tobias and White.

The body of the auditorium was occupied by the 109 graduates, their families and friends.

The Treasurer introduced Professor David L. Johnston, A.B., LL.B., LL.B., Dean of the Faculty of Law, University of Western Ontario, who addressed the graduates.

....

PRESENTATION OF AWARD AND APPOINTMENT

Mr. G. W. Collins-Williams, Director of Legal Education, presented recipients of an award and an appointment to the Treasurer.

The Treasurer presented the following prize to:

The Giffen, Pensa Prize for the student obtaining the highest
marks in the Course at London:

Cheryl Lee Daniel

and congratulated the following who has been given a special appointment:

A Law Clerk to The Honourable W. G. C. Howland,
Chief Justice of Ontario

Gary Robert Shiff

....

CALL TO THE BAR

Mr. J. D. Ground, Chairman of the Admissions Committee, presented to the Treasurer 109 candidates for Call to the Bar as follows:

TWENTIETH BAR ADMISSION COURSE 1978-79

CANDIDATES FOR CALL TO THE BAR
ON WEDNESDAY, 11TH APRIL, 1979

James Evan Sterling Allin
David John Ashford
Steven Marshall Baker
Gordon James Banting
Susan Carol Barnes
Kevin Ian Beach
Deborah Ann Zaharie Belanger
Gabriella Schaffling Bonn
William Gregory Brown
Thomas Howard Buck
William John Buechler
Syed Enam Ahmed Bukhari
Jennifer Gail Catherine Carten
Chandra Gupta Chaddah
Janet Alexandra Clark
Barry Charles Cleaver
Elizabeth Shaughnessy Murray Cohen
David Michael Cole
Bruce Hugh Coleman
Jerome Anthony Collins
John Paul Corrent
Edward William Daigneault
Cheryl Lee Daniel
Kenneth Robert Davies
Frank Joseph De Vuono
Brian Charles Ducharme
John Michael Edmiston
Paul Fitzgerald Farley
Borislav John Fesyk
Christopher Patrick FitzGerald
Charles William Fleming
John Martin Gartenburg
Doris Botsford Gaspar
Janet Mary Gibbons
William Patrick Glabb
Lucy Christina Glenn
Craig William Joseph Goebel
Raymond Keva Wayne Goldstein
David Gaylord Greenaway
John Jeffrey Greenhow
Eric John Grose
John Edgar Hardy
Larry Wayne Haskell
Muhammad Assaf Hassan
Richard Allan Hayes
William Francis Higgins
Timothy James Hilborn
David John Leroy Holmes
Grant Thomas Hopcroft
Brian Andrew Horricks
Carolyn Louise Jones
Robert Edward Keast
Janet Catherine McGuigan Kelly
Stephen John Kennedy
Malcolm Simon Kirsch
Lois Elizabeth Knepflar
Brian Wayne Knott
Bruce Benjamin Kramer
Catherine Janice Lawson
Yan Arthur Michael Lazor
Joseph Marc Arthur Lefebvre
Robert John Lefebvre
Kathleen Joy Levison
Brian Robert Linley
Joseph Linzner
Hugh Norwood MacDonald
Paul James Macphail
John Joseph Macri
Donald Richard Mantz
Martin Allan Marcus
Martin Anthony Marino
Kenneth John McGill
Ronald Jonathan McKinnon
Valerie Roxanne M'Garry
Peter Michael Miller
Michael Robert Mitchell
Victor Mitrow
Mary Theresa Morrissey
Philip Benedict Joseph Morrissey
Howard Ian Mott
Frank Arthur Murphy
Daniel Bruce Nicol
Eugene Ignatius Nowak
Paul Arthur Parlee
Edward Mark Perlmutter
James Brian Phillips
Raymond Fredrick Phillips
David William Rivett
Stuart Michael Robertson
Dwight Richard Robinson
Scott Luther Schuessler
Brian Duncan Scott
Gary Robert Shiff
John Thomas Slinger
Gay Elizabeth Stewart
David Steven Teahen
William Scott Toon
Hendrik Van Drunen
John Michael Vickruck
George Gerard Voisin
Paul Douglas Walker
Duncan Craig Watterworth
Gary Michael Wellman
George Antero Wilkki
Roman Boris Wolyniuk
Sharon Margaret Wagner Woodworth
Stephen Clinton James Woodworth
Judith Leigh Baird Yormak
Ronald Martin Zboril

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

....

CONVOCATION ADJOURNED AT 3:30 P.M.

....

Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in Elborn College with The Honourable Mr. Justice D. H. W. Henry of the High Court of Justice of The Supreme Court of Ontario presiding.

Mr. Ground presented the candidates to His Lordship, before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

His Lordship then addressed the new Barristers.

....

At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in the Gymnasium at Elborn College.

....

Read in Convocation and confirmed 18th May, 1979.

G. D. FINLAYSON

Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 20th April, 1979
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Carnwath, Carrier, Carthy, Cass, Chappell, Chilcott, Farquharson, Fennell, Furlong, R. J. S. Gray, W. Gibson Gray, Ground, Henderson, Kellock, Mrs. Legge, Messrs. McWilliams, O'Brien, Ogilvie, Pallett, Pepper, Pomerant, Ruby, Seagram, Shibley, Strauss, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wallace, White and Willoughby.

....

MINUTES

The Minutes of Convocation of 16th March, 1979 were read and confirmed.

....

SPECIAL CONVOCATION – WEDNESDAY, 9TH MAY, 1979

The Treasurer announced a Special Convocation to be summoned for Wednesday, 9th May, 1979, beginning at 11:30 a.m. to receive the results of the Election of Benchers, 1979 and to consider the Reports of the Legal Education Committee and the Admissions Committee respecting those candidates in the Twentieth Bar Admission Course who were required to write supplemental or special examinations, and that after luncheon the Special Convocation will resume in Convocation Hall at 2:00 p.m. for the Call to the Bar Ceremonies for the successful candidates. Approximately 58 candidates are expected to be called and The Honourable Gregory T. Evans, Chief Justice of the High Court of Justice for Ontario, will preside at a Special Sitting of The Supreme Court of Ontario to be convened in

Convocation Hall to administer the oaths to the new Barristers.

The Treasurer noted that encumbent Benchers should attend the Special Convocation and as well Meeting Day on Thursday, 10th May.

....

APPOINTMENTS TO SPECIAL COMMITTEE

The Treasurer informed Convocation that he had named Messrs. W. Gibson Gray and G. H. Lochead to the *Special Committee on Investments* so that the Committee consists of the following: Mr. Pepper, Chairman, and Messrs. Brulé, W. Gibson Gray, Levinter, Lochead, O'Brien and Sheard.

....

DISCIPLINE COMMITTEE–Mr. Lochead

Re: JOEL S–Z. WAGMAN, Q.C., TORONTO

Mr. J. D. Carnwath, Vice-Chairman, placed the matter before Convocation.

Messrs. Carthy, Farquharson, Thom and Tobias were not present in Convocation, took no part in the discussion and did not vote.

The reporter was sworn.

The solicitor attended with his counsel, Bernard L. Eastman, Q.C. Miss M. L. Pilkington appeared for the Society.

Counsel for the solicitor asked that the matter be adjourned because he has not had an adequate opportunity to prepare his submissions. He asked that the Society provide a transcript of the hearing before the Discipline Committee at the Society's expense, at an estimated cost of approximately $6,000. He asked for an adjournment of two months or until the criminal charges against the solicitor have been disposed of.

Counsel for the Society made submissions.

Counsel for the solicitor made submissions in reply.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the matter be adjourned to 18th May, 1979 with a view to setting a date for hearing and that the Society provide a transcript at the Society's expense.

It was moved by way of amendment, seconded and *carried* that a decision with respect to the transcript await the solicitor applying for Legal Aid and receiving an answer to his application.

The first motion as amended was *carried.*

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motions which had been passed and were further advised that Convocation did not accept as valid the submission that its proceedings should be adjourned until criminal proceedings against the solicitor have been disposed of.

……

ADMISSIONS COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 12th April, 1979.

The following members were present: Mr. Ground, Chairman, Messrs. Cass, R. J. Gray, Henderson, Pepper, and Mrs. Sutherland.

OCCASIONAL APPEARANCE

Melvin Myers of the Province of Manitoba, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces", to act as counsel for the *Canadian Union of Public Employees (Broadcast Division)* in the Court of Appeal of the Supreme Court of Ontario, on an application for an order of certiorari, from the decision of an arbitrator on an arbitration that took place in Ontario. Mr. Myers complied with the requirements of

Section 10 of the Regulation and presented a Certificate of Good Standing. He asked to receive his call to the Bar of Ontario at the April Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Call to the Bar for an Occasional Appearance

At its meeting on 12th April 1979, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation "Occasional Appearance in Ontario of lawyers from other Provinces", and that upon giving the necessary undertakings, he be called to the Bar and admitted as a Solicitor:

Melvin Myers	Province of Manitoba

Approved

At its meeting on the 8th March 1979, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation "Occasional Appearance in Ontario of lawyers from other Provinces", and that upon giving the necessary undertakings, he be called to the Bar and admitted as a Solicitor:

Robert Leon Pollack	Province of Manitoba

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further 6 candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 21st Bar Admission Course as of 1st September, 1978.

Approved

REQUEST FOR CALL TO THE BAR – SPECIAL

Maxwell Cohen, Q.C., Chairman of the International Joint Commission, retired Dean of Law and Emeritus Professor of Law of McGill University, member of the Bars of Manitoba and Quebec, wished to become a member of the Bar of the Province of Ontario.

The Committee recommended that he be advised that he is qualified to proceed under Regulation 4.

DIRECT TRANSFER FROM QUEBEC

The Committee considered two applications to transfer to practise in Ontario by Quebec lawyers. One applicant sought to proceed under Regulations 4(2) and 3(1) and this application was approved. The other applicant wished to renew an application for transfer that had been approved in 1977. Subsequent to such approval the applicant had moved to Calgary to take a position as general counsel with a corporation, but retained membership in the Quebec Bar. The Committee approved the application for renewal subject to the filing of proof of compliance with the practice requirement of Regulation 4(2)(a) by the applicant.

TRANSFER EXAMINATION

A member of the Manitoba Bar who will not have completed three years of active practice until the end of June 1979, requested permission to write the transfer examination scheduled for the beginning of May, subject to being approved under Regulation 4(1) in June 1979. He is leaving the country in June for approximately 6 months and the next opportunity to write the examination will not be until May 1980. On his return to Canada he wishes to settle in Ontario, and is selling his home in Manitoba. A Certificate of Good Standing and his letter were before the Committee.

Approved subject to his completing the required period of practice.

EXTERNAL EXAMINATIONS

Two candidates were approved by the Committee to proceed under Regulation 4(2). Two sat the required examination at Osgoode Hall. The examinations were identified only by numbers and a report of the examiners was before the Committee.

One candidate passed and one failed.

Approved

CRIMINAL OFFENCE

A Probation Officer at the Mimico Correctional Centre wrote to the Society on behalf of a probationer, to enquire whether this individual's criminal record would prevent his being admitted to the Bar Admission Course and later being admitted to the practice of law. He was convicted of dangerous driving in 1975 and the sentence was a fine of $200 or thirty days plus two years probation. Letters from the defense counsel and the probation officer, and a pre-sentence report were before the Committee. The judge telephoned the Secretary to say his recollection was that this individual "was 'smart-alecking' but was basically decent". The Crown Attorney's office was unable to find a report on this conviction.

The Committee recommended that the facts before the Committee would not prevent him from being called to the Bar of Ontario.

PETITIONS

Two petitions of a routine nature were before the Committee. Both were approved.

REGULATION 26

The report of the Joint Committee on Foreign Accreditation was adopted by Convocation on 16th March 1979 in which it was recommended that a "Certificate of Qualification" issued by the Joint Committee be accepted as academic qualification for admission to the Bar Admission Course. The following draft amendment to Regulation 26 was before the Committee for consideration:

ADMISSION

(5) The academic qualification for admission to the Bar

Admission Course as a student-at-law is graduation from a law course in a university in Canada which is approved by Convocation, *or a Certificate of Qualification issued by the Joint Committee on Foreign Accreditation appointed by the Federation of Law Societies of Canada.*

(6) The qualifications for admission to the Bar Admission Course for an applicant from the Province of Quebec who does not qualify to proceed under subsection 2 of section 4 are those prescribed by subsection 3 of section 4.

26(6) should be repealed since 4(3) is being repealed and is now filed with the Legislature.

(7) An applicant for admission as a student member in the Bar Admission Course shall *file with the director on or before the last business day in the month of August:*

(i) a completed application,

(ii) a certificate of graduation for a law course in a university in Canada which is approved by Convocation, *or a Certificate of Qualification issued by the Joint Committee on Foreign Accreditation appointed by the Federation of Law Societies of Canada.*

(iii) a certified copy of pre-law university record, and

(iv) articles of clerkship.

26(7)(a) and (b) should be deleted because of 4(3) being repealed.

Approved for submission to the Legislation and Rules Committee.

THE REPORT WAS ADOPTED

....

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Melvin Myers
Robert Leon Pollack

....

DISCIPLINE COMMITTEE (Continued)

Re: WILLIAM L. M. GREENE, Toronto

Mr. J. D. Carnwath placed the matter before Convocation.

The reporter was sworn.

The solicitor was called but did not attend, nor was he represented by counsel. Mr. J. Alick Ryder attended for the Society.

An affidavit in proof of service of the Decision of the Discipline Committee, dated 8th February, 1979, on the solicitor was filed.

The Committee found that the solicitor was guilty of professional misconduct in that he had misappropriated more than $100,000 of clients' funds.

Counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Decision of the Discipline Committee, dated 8th February, 1979, be accepted.

Counsel and the reporter returned.

Counsel was advised that the Decision had been accepted.

Convocation was advised that the penalty recommended by the Discipline Committee is disbarment.

Counsel and the reporter withdrew.

The Treasurer read out the solicitor's letter of 7th March, 1979.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

It was moved, seconded and *carried* that the Secretary advise the Law Society in Trinidad of the disbarment and supply a copy of the Decision.

Counsel and the reporter returned.

Counsel was advised of the disposition of the matter.

Counsel and the reporter retired.

……….

Re: ROBERT HUNDLEY SMITHERS, Sarnia

Mr. Carnwath placed the matter before Convocation.

The reporter was sworn.

The solicitor attended with his counsel, Mr. J. David McCombs. Mr. E. A. DuVernet, Q.C., attended for the Society.

An affidavit in proof of service of the Decision of the Discipline Committee of *19th February, 1979* on the solicitor was filed.

The Committee found that the solicitor was guilty of professional misconduct in that he had misappropriated $45,000 of clients' funds.

Counsel for the solicitor made submissions respecting the Decision.

Counsel for the Society made submissions.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Decision of the Discipline Committee of 19th February, 1979 be accepted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Decision was accepted.

The Treasurer advised Convocation that the penalty recommended by the Discipline Committee is disbarment.

Counsel for the solicitor made submissions respecting penalty.

Counsel for the Society made submissions.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the disposition of the matter.

The solicitor, counsel and the reporter retired.

....

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

....

The Treasurer and Benchers had as their guests for luncheon Mr. Lee K. Ferrier, Q.C., a non-Bencher member of the Legal Aid Committee, and Dr. W. C. Winegard, Chairman of the Ontario Council on University Affairs.

....

CONVOCATION RESUMED AT 2:15 P.M.

....

PRESENT:

The Treasurer and Messrs. Carnwath, Carrier, Cass, Chilcott, Farquharson, Fennell, W. Gibson Gray, Ground, Kellock, Mrs. Legge, Messrs. McWilliams, O'Brien, Ogilvie, Pallett, Ruby, Seagram, Shibley, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wallace, White and Willoughby.

....

DISCIPLINE COMMITTEE (Continued)

GENERAL

Mr. J. D. Carnwath, Vice-Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 12th April, 1979.

The following members were present: Messrs. Carnwath (Vice-Chairman acting as Chairman), Chappell, Cooper, Furlong, Ruby, Mrs. Sutherland and Mr. Willoughby.

1. DISCIPLINE PROCEDURES

The Committee had before it the Report of the Sub-Committee on Discipline Procedures and its adoption, as amended by this Committee, was recommended. A copy of the Sub-Committee's Report was before Convocation.

Convocation considered this matter separately. The motion that the item be adopted was *lost.*

2. A complaint was received concerning a lawyer who insists on acting in a criminal proceeding as counsel although he has been subpoenaed by the Crown as a witness. The Committee discussed this matter at length and instructed the Secretariat to advise the Crown that the Society defers consideration as to what action, if any, should be taken until the trial has been concluded.

3. ANNUAL SUMMARY

A summary reflecting the Discipline Committee's activity during the years 1977 and 1978 is set out in the following report:

REPORT ON THE DISCIPLINE COMMITTEE'S WORK IN 1977 AND 1978

During the year 1978 your Committee met on the equivalent of 62 days. In addition 2 days were spent dealing with Compensation Fund matters. This compares with 1977 when your Committee met for 56 days on discipline matters and 4 days on Compensation Fund matters.

In 1978 the Referee sat for 33 days with respect to claims to the Compensation Fund. In 1977 the time spent was 23½ days.

In 1978 as a result of complaints received from the public and members of the profession the Secretariat found it necessary to write to lawyers on 1,559 separate occasions. The figure for 1977 was 1,507.

The following is a comparison of the disposition of matters coming before the Discipline Committee in the years 1977 and 1978.

	1977	*1978*
DISBARMENTS	3	10
REPRIMANDS IN CONVOCATION	4	3
REPRIMANDS IN COMMITTEE	18	21
NOT ESTABLISHED	6	7
WITHDRAWN	0	1
SUSPENSIONS	0	2
INVITATIONS TO ATTEND – RULING 14	38	20
INVITATIONS TO ATTEND – OTHER MATTERS	44	19
COMPLAINTS ISSUED	23	58

THE MOTION THAT ITEM 1 BE ADOPTED HAVING BEEN LOST,

THE BALANCE OF THE REPORT WAS ADOPTED

. . . .

COMPENSATION FUND SUMMARY

Mr. Carnwath presented the Compensation Fund Summary for the period ended 31st March, 1979.

COMPENSATION FUND

For the Period from 1st July, 1978 to 31st March, 1979

(9 months)

TOTAL RECEIPTS	$ 425,844.13
TOTAL DISBURSEMENTS	$ 254,456.70
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 171,387.43
BALANCE OF FUND at beginning of period	$1,566,650.49
BALANCE OF FUND at end of period	$1,737,937.92

RESUME OF GROSS OUTSTANDING CLAIMS

CLAIMS RECEIVED and in the course of being processed as at 31st March, 1979	$4,857,486.08

THE SUMMARY WAS RECEIVED

. . . .

LEGAL AID COMMITTEE—Mr. Bowlby

Mr. G. E. Wallace, Vice-Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 11th April, 1979.

The following members were present: George E. Wallace, Vice-Chairman in the Chair, Messrs. Barnes, Ellis, Ferrier, Mrs. Fleming, Mr. Harris, Mrs. Jarmain, Messrs. Lamb, Michon, Ruby, Mrs. Smyth.

Also in attendance, by special invitation, were A. G. B. Campbell, Q.C., Assistant Deputy Attorney General, and John I. Laskin, solicitor.

REPORT OF THE DEPUTY DIRECTOR

(a) Finance

The Director's report, pursuant to Section 95(2), for the eleven-month period ended February 28, 1979, shows that payments from the Legal Aid Fund exceeded budget by $558,000. Funds designated for community clinics were underspent by $27,000. Therefore, payments for the major portion of the Plan's operation exceeded budget by $585,000 as follows:

Over budget	$	$
Duty Counsel payments	100,000	
Criminal certificate accounts	577,000	
Civil certificate accounts	272,000	949,000
Under budget		
Legal Advice certificate accounts	67,000	
Salaried Duty Counsel project	5,000	
Area Office costs	93,000	
Provincial Office costs	199,000	364,000
Net payments over budget		585,000

Analysis of overpayment on Civil certificate accounts

	Budget	Spent	Over budget
		$,000	
Divorce	3,100	3,132	32
Other Domestic	2,851	3,027	176
Other Civil	1,549	1,613	64
	7,500	7,772	272

Income from sources other than the Province of Ontario was over budget by $620,000 as follows:

	$
Law Foundation	212,000
Client Contributions	232,000
Costs recovered	139,000
Miscellaneous income	37,000
	620,000

Therefore, in net cost terms, the fee-for-service component of the Plan is under budget by $35,000 ($620,000 – $585,000).

As at February 28, 1979, there was a balance in the Fund of $1,794,000.

Accounts receivable past due more than 90 days

	At Feb. 28, 1979	*Last month*	*Last year*
Value	$1,766,400	$1,750,000	$1,586,400
% of total receivables	62.9	61.6	59.3

(b) Statistics

The following table compares reported activity for the first eleven months of this fiscal year with the activity for the same period in the previous fiscal year:

	11 months ended Feb. 28, 1979	*11 months ended Feb. 28, 1978*	*% Change from last year*
Informal applications	104,289	87,463	+ 19.2
Applications for certificates	101,182	95,709	+ 5.7
Refusals	32,049	31,456	+ 1.9
As a percentage of applications	31.7	32.9	
Certificates issued	73,275	69,461	+ 5.5

Persons assisted by Duty Counsel:			
Fee for service	137,450	130,801	
Salaried Duty Counsel	31,754	24,298	
Total	169,204	155,099	+ 9.1

The following is an analysis of assistance provided to persons who contacted area offices across the province. This analysis excludes the activity of duty counsel.

	11 months ended Feb. 28, 1979		*11 months ended Feb. 28, 1978*	
	No.	%	No.	%
Total persons seeking assistance (Informal and formal applications)	205,471	100.0	183,172	100.0
Advice and referral (Informal applications)	104,289	50.7	87,463	47.8
Certificates issued	73,275	35.7	69,461	37.9
Unassisted persons	27,907	13.6	26,248	14.3
	205,471	100.0	183,172	100.0

(c) Write-Offs

(i) Section 98(2) of the Regulation reads:

> Subject to the approval of the Minister of Justice and Attorney General, the Legal Aid Committee upon the recommendation of the Director may from time to time authorize the writing off as uncollectable any amount payable by a client or any other person to the Law Society for the Fund. R. R. O. 1970, Reg. 557, s.98.

In the past twelve years the sums owed to the Legal Aid Plan either through contributing clients or costs awarded have created an enormous backlog and has thus created a large sum owing to the Legal Aid Fund. In many instances the debt will never be recovered since many of the commitments were unrealistically obtained.

In view of the number of such bad debts the Legal Aid Committee recommended that the staff prepare, under the supervision of George E. Wallace, a package of write-offs which will be suitable, in accordance with good business practice, to clear up the backlog at this time, subject to the approval of the Legal Aid Committee.

It is anticipated that the recommended write-offs may amount to several million dollars.

(ii) George E. Wallace, Vice-Chairman, approved the write-offs of the following total of amounts due to the Legal Aid Fund: $29,315.62.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	March 1979	*12 Months to March 31/79*	*12 Months to March 31/78*
Reviews on hand	137		
Reviews received in	87	1502	1264
	224		
Settlement reviewed in	65	1334	1224
Settlement awaiting further information	1		
Settlement awaiting review at end of	158		
	224		

Appeals

	January	*February*	*March*
Appeals to Taxing Master received during	1	–	1
Appeals heard by Taxing Master	–	–	–
Appeals pending at the end of the month	8	5	6
Appeals abandoned	1	3	–

Activity

	1978/79 Fiscal Year		*1977/78 Fiscal Year*	
	Month of March 1979	*12 Months to March, 1979*	*Month of March, 1978*	*12 Months to March, 1978*
Accounts on hand at beginning	7065	6016	5809	4657
Accounts received	6442	66478	5780	62510
Total Accounts to be processed	13507	72494	11589	67167

Less: Files Cancelled	236	626	236	675
Accounts Processed	5998	64595	5337	60476
Balance	7273	7273	6016	6016

In addition to the number of accounts for services completed there were:

Interim Accounts	268
Supplementary Accounts	254

SUB–COMMITTEE RE: STATISTICS

The sub-committee to deal with problems relating to the obtaining of legal aid statistics under the Chairmanship of D. W. Jones, Esq., met with groups of Area Directors and their secretaries in an attempt to formulate a new method of gathering statistics.

The said sub-committee reported to the Legal Aid Committee in February and concerns were expressed that some confusion and difficulty could arise if there was no Notice of Refusal as recommended in the report in certain instances. The several concerns expressed were considered by the sub-committee and incorporated into its interim report.

The sub-committee's revised interim report was before the Legal Aid Committee and Convocation.

CLINICAL FUNDING COMMITTEE

(a) Clinic Funding Manager

Ms. Mary Jane Mossman has been appointed Clinic Funding Manager. The Clinic Funding Manager is responsible for all community clinic matters within the Plan including the clinical funding budget and directing the activities of the clinical funding staff.

Ms. Mossman was Acting Director of the Parkdale Community Legal Services clinic and a representative of Osgoode Hall Law School on the Board of Governors of Parkdale.

(b) Clinical Funding Committee's Report

On April 11th, the Clinical Funding Committee submitted a report to the Director recommending to the Director, and subject to the approval of Convocation, funding for various projects.

The Director recommended to Convocation that the report of the Clinical Funding Committee dated April 11th, 1979, be adopted.

The following is a summary of all applications considered by the Committee and the amount of funding recommended for the fiscal year 1979/80:

Renewal Grants for Established Clinics	*Amount**
Black Resources and Information Centre, Toronto	$ 21,715
Bloor-Bathurst Information Centre, Toronto	16,802
Canadian Environmental Law Association, Toronto	161,463
Community Legal Education Ontario, (formerly Toronto Community Law Program) Toronto	134,148
Halton Hills Community Legal Clinic, Georgetown	31,141
Industrial Accident Victims Group of Ontario, Toronto	97,599
Injured Workers' Consultants, Toronto	157,685
Injured Workers Legal Assistance Group, Hamilton	84,117
Kenora Community Legal Clinic, Kenora	62,000
Landlord's Self Help Centre, Toronto	58,982
Legal Assistance of Windsor, Windsor	184,437
London Legal Clinic, London	86,166

McQuesten Legal and Community Services, Hamilton	133,928
Metro Tenants Legal Services, Toronto	124,160
Mississauga Community Legal Services, Mississauga	120,477
Neighbourhood Legal Services, Toronto	145,822
Parkdale Community Legal Services, Toronto	405,482
Queen's Correctional Law Project, Queen's University, Kingston	66,000
Rexdale Community Information Directory, Rexdale	65,395
Riverdale Socio-Legal Services, Toronto	97,556
Sudbury Community Legal Clinic, Sudbury	75,569
Tenant Hotline Inc., Toronto	127,835
Thunder Bay District Native Legal Counselling Services, Thunder Bay	145,318
Toronto Community Legal Assistance Services, Toronto	100,606
York Community Services, Toronto	43,972

Supplementary Grants

Black Resources and Information Centre – Library purchases	750
Metro Tenants Legal Services – Furniture purchase	1,000
Rexdale Community Information Directory – Telephone installation	500

*All recommended amounts are subject to the Attorney General's approval of designated funding in the appropriate amounts for clinics for 1979/80.

The summary of activities of each clinic can be found in the Clinical Funding Directory published by The Ontario Legal Aid Plan. The 1979/80 edition of the Directory will be published by June, 1979.

(c) Clinical Funding Regulation

In July, 1978, at the request of the Law Society, a Commission under Mr. Justice S. G. M. Grange was appointed by the Attorney General to examine the relationship between clinics, the Ontario Legal Aid Plan, the Clinical Funding Committee, and the private bar. The need for the Commission arose out of expressed dissatisfaction with the vagueness of the Clinical Funding Regulation which was enacted as an emergency measure early in 1976 and has not been amended.

Mr. Justice Grange considered a number of issues which were based upon submissions presented by interested groups such as the Law Society, the Clinical Funding Committee, clinics, etc. Convocation approved the report of Mr. Justice Grange in February.

At its meeting in March the Legal Aid Committee approved the appointment of a sub-committee consisting of James B. Chadwick, Chairman, L. K. Ferrier, and Archie Campbell, Q.C., Assistant Deputy Attorney General, to draft the necessary Regulation and retain John I. Laskin, solicitor, as counsel to assist with the drafting of the said Clinical Funding Regulation.

The Legal Aid Committee reviewed in depth the proposed Regulation and requested that the following matters be thoroughly reviewed by the above noted sub-committee before the final draft Regulation was submitted to Convocation:

(a) That the Clinic Funding Committee is, in fact, a committee of Convocation.

(b) That under Section 147(3) the Attorney General has, in fact, the legislative authority to appoint two members to the Clinic Funding Committee (a committee of Convocation).

A copy of the draft Regulation was before Convocation.

LEGAL AID TARIFF

(a) On Tuesday, April 3rd, the Attorney General announced in the legislature a new Legal Aid tariff which had been approved by Cabinet. A copy of the Attorney General's news release together with a copy of the Law Society's news release were before Convocation.

(b) On Thursday, April 5th, a mailing was commenced to all members of the legal profession in Ontario providing them with a copy of the new tariff and outlining the new methods required when billing the Plan. A certification form is to be completed by lawyers to determine the level at which they are to be paid under the new tariff and a letter explaining the tariff and changes to the Plan's operations from the Treasurer and Chairman of the Legal Aid Committee was sent with the material.

PUBLIC INFORMATION

(a) Legal Aid Brochure

A new Legal Aid brochure was printed in March which replaced the pamphlet that had been in use since 1967. The new brochure provides additional information for prospective users. The initial printing was 100,000 copies; 70,000 of which are being distributed from a supermarket information programme involving 340 supermarkets across the province for an eight week period beginning April 23rd. Another 15,000 brochures are being distributed to area offices and community clinics and an announcement of the availability of the new brochure is contained in the latest Legal Aid Letter. A copy of the brochure has been sent to every MPP with a suggestion that they order quantities for their Queen's Park and constituency offices. Including design and printing costs, each brochure cost 3.4 cents. The brochure is being translated into French and will be available in that language shortly. The brochure will be made available in other languages by the summer. A copy of the brochure was before Convocation.

(b) Bell Telephone Listings

After a careful review of the listings on Legal Aid in white page directories throughout the province arrangements with Bell have now been concluded which will ensure that Legal Aid, in bold-face caps, will appear in every white page listing in the province over the next year as new editions are printed. This type of information is the most basic to be made available to the public and ensures that any prospective user has easy access to the Legal Aid office nearest him/her.

STEERING COMMITTEE

Clinics

The Steering Committee reviewed the need to advertise the services available through independent community based clinics. The Committee directed its attention particularly to services provided with respect to landlord and tenant problems.

The Steering Committee recommended that at the earliest possible opportunity the Clinical Funding Committee discuss with the independent community clinics the need to advertise and that the Professional Conduct Committee of the Law Society be advised of the need to establish "policy directives" so that advertising criteria will be available to all community clinics.

AREA COMMITTEES

Section 4(1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended the following be appointed as members of the Area Committees in:

Waterloo

P. L. Seitz, solicitor, Kitchener.

Lee Fitzpatrick, solicitor, Kitchener.

Mrs. Vivian Batke, President K-W chapter CARAL, National Representative of National Action Committee, Kitchener

Mr. W. I. Shalinsky, Associate Professor, University of Waterloo, ex-member of Social Planning Council, Kitchener.

Mrs. Jill Rouse, Project Manager, Social & Unemployment Health Centre, Kitchener.

Algoma District

John Wass, Probation Officer, Sault Ste. Marie.

York County

Keith Wright, solicitor, Toronto.
Frank Fay, solicitor, Toronto.
Mary Cornish, solicitor, Toronto.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON CONFIDENTIALITY

Mr. W. Gibson Gray, Chairman, presented an Interim Report of the Special Committee on Confidentiality of its meeting on Wednesday, 28th March, 1979.

The Special Committee was appointed by Convocation on 17th November, 1978, to consider whether the members of the Bench are to be precluded from expressing private views in matters decided by the Society as a corporate body and to report to Convocation.

The Committee met on Wednesday, March 28th, 1979, at 4:00 p.m. the following members being present: Messrs. W. Gibson Gray (Chairman), Ogilvie, Norman Rogers and White.

The Committee considers that included in the terms of reference are the questions whether Benchers should speak outside Convocation on matters of concern to the Society expressing personal views and if so what steps should be taken to ensure that it is clear that the views expressed are personal and not made on behalf of the Society; and also whether Benchers should disclose outside Convocation matters of concern to the Society which they learned through their being Benchers.

This is an interim report intended to indicate to Convocation the direction of the Committee's consideration of the questions involved. It is proposed that the Society's minutes will be searched for any material bearing on the question of confidentiality in Convocation and Committees. Other sources will also be referred to before the Committee reports finally so that Convocation will have the benefit of whatever assistance is available.

In general, the Committee thinks it would be undesirable to attempt to codify rules to govern every situation in which questions of confidentiality or disclosure might arise. Such a code would inevitably tend to rigidity on the one hand and on the other to the expression of general principles which would be difficult to apply.

In approaching the subject the Committee finds it convenient to consider some specific questions while at the same time avoiding the fallacy of arguing from the particular to the general. For example, if the question of contingent fees were to be considered in Convocation and the gist of the discussion reported in the Communiqué, the Committee is of the view that a Bencher who had been present in Convocation might discuss it with a member of the profession and give his personal opinion of the matters but that it would not be proper for him to reveal the vote.

Where the matter is under consideration in Committee and destined to go forward to Convocation, the Committee considers there would be nothing objectionable in a Bencher outlining the issues involved outside of Convocation but that no disclosure should be made of the course of the matter in Committee in any specific way nor disclosure of the names of those expressing certain views with respect to the matter.

Discipline matters raise distinct considerations. It is the Committee's view that no mention may be made of whether or not a member is subject to investigation or discipline hearing unless the member himself has disclosed it and then care should be taken not to enlarge upon the information the member involved has himself made public. Similarly, after a matter has been reported publicly, Benchers should exercise most careful discretion before adding anything to what has already been disclosed in the Communiqué or in the Society's press releases. They should not reveal the vote or who voted for or against the result nor what other motions were before Convocation nor what any particular named Benchers may have said. It follows that where no discipline took place or where there was a reprimand administered in Committee or an Invitation to Attend, no mention of these matters may be made.

The Committee suggests that where a Bencher is dissatisfied with the action of a Committee, the cause of dissatisfaction might properly be raised first with the Treasurer and then, if necessary, in Convocation. The Committee is not prepared at present to suggest whether if the sense of dissatisfaction persists, the Bencher would be justified in raising it publicly, whether as to the general principle or in relation to the particular matter which gave rise to the sense of dissatisfaction.

It is recognized that in some circumstances it is difficult to make it clear that one is speaking in a purely personal capacity. It is important that due discretion be exercised having regard to the particular circumstances. A Bencher should not make personal statements timed so as to impair the effectiveness of the position the Society is going to put forward on behalf of the profession.

The reactions of members of the Bench to this interim report would be helpful to the Committee in continuing its work and Benchers are invited to put their views in writing addressed to the Secretary.

THE REPORT WAS RECEIVED

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FINANCE COMMITTEE–Mr. Pepper

Mr. J. C. Pallett presented the Report of the Finance Committee of its meeting on Thursday, 12th April, 1979.

The following members were present: Messrs. Pepper (Chairman), Pallett and W. Gibson Gray.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointment to Judicial Office and their membership in the Society will be placed in abeyance upon their assuming office:

David Kent Kirkland, St. Catharines	Called – 22 March 1968 Appointed Provincial Judge, Family Division, County of Hastings – 21 February 1979
Samuel Houston Murphy, Q.C. Peterborough	Called – 26 June 1958 Appointed Provincial Judge, Criminal Division, County of Peterborough – 21 February 1979
Richard Jean Louis Huneault, Sudbury	Called – 22 June 1960 Appointed County Court Judge, County of Essex – 1 March 1979
Robert Hamilton Carley, Q.C. Peterborough	Called – 21 June 1951 Appointed County Court Judge, County of Northumberland – 1 March 1979
Milton Alexander Cadsby, Q.C. Toronto	Called – 15 September 1949 Appointed Provincial Court Judge, Criminal Division, County of York – 7 March 1979
Clare Elvet Lewis, Q.C. Toronto	Called – 26 March 1965 Appointed Provincial Court Judge, Criminal Division, County of York – 21 February 1979
Thomas Mercer, Toronto	Called – 18 September 1959 Appointed Provincial Court Judge, Criminal Division, County of York – 21 February 1979
James Murphy, Toronto	Called – 26 March 1965 Appointed Provincial Court Judge, Criminal Division, County of York – 7 March 1979

Appointment as Master

Henry Francis Hugh Sedgwick, Toronto	Called – 20 September 1957 Appointed Master, Supreme Court of Ontario – 26 February 1979

Deaths

The following members have died:

Louis Hormisdas Carreau, Q.C., Rockcliffe	Called – 21 May 1926 Died – 12 June 1978

Edward Gordon McMillan, Q.C. Toronto (Life Member)	Called – 25 May 1912 Died – 30 March 1979
Kathleen Mary Killoran, Toronto	Called – 29 June 1948 Died – 15 March 1979
Archibald Trew Olmsted, Hamilton	Called – 16 September 1937 Died – 5 March 1979
Gerard Balciunas-Balciauskas, Islington	Called – 25 March 1966 Died – 24 March 1979
James Gerard Mallon, Q.C. Toronto (Life Member)	Called – 16 June 1927 Died – 23 March 1979
Carl Way Caskey, Q.C. Weston	Called – 16 November 1939 Died – 23 March 1979
Toner Anthony McDonald, Arnprior (Life Member)	Called – 16 January 1925 Died – 9 January 1979
Herbert Freshman, Q.C. Hamilton	Called – 21 October 1937 Died – 15 March 1979
William Carlyle Lewies, Q.C. Morpeth	Called – 21 November 1929 Died – 5 March 1979

Noted

MEMBERSHIP UNDER RULE 50 – RETIRED MEMBER

The Hon. *Leon Lalande* gave notice that he has resigned as a Judge of the Superior Court of Quebec and that he wishes to have his membership in the Society restored as a retired member, without payment of annual fees. It was noted from his application under rule 50 that he has applied for readmission to practise in the Province of Quebec. The Committee was asked for instructions.

The Committee recommended he be advised he is not entitled to continue his membership without payment of fees because he has not retired from practice.

CHANGES OF NAME

On 26 March 1979, *Heather Penelope Hughes*, then a student member, petitioned to have her name changed to Heather Penelope *Cooper,* her married name, and submitted a copy of her Marriage Certificate in support. Since the student wished to be called in her new name on 6th April 1979, approval of the request was granted by the Chairman of the Finance Committee. The matter was before the Committee for ratification.

Arlene Diane Gold, a student member, requested that her name be changed on the rolls of the Society to Arlene Diane *Wolfe,* her married name. A copy of her marriage certificate was before the Committee.

Approved

BUDGET 1979/1980

The following time-table is recommended for the preparation of the Society's next annual budget:

May 10 – Each Committee completes its estimates for 1979/80 and includes as part of its estimates a list of all existing staff positions and a justification for any increase in the number of employees beyond the existing numbers. The estimates also are to include details of expenditure in 1979/80 estimated to exceed expenditure in 1978/79.

June 7 – Finance Committee reviews all Committee estimates and recommends Budget and Annual Fee for 1979/80.

June 15 – Budget and Annual Fee for approval by Convocation.

Approved

BENCHERS' ELECTION

Mr. John Honsberger of Raymond & Honsberger submitted his account in the amount of $3,000 for editorial assistance in the preparation of a booklet containing the biographies of candidates.

Approved

PENSION PLAN

Standard Life Assurance Company has recommended an increase in the proportion of the cash flow allocated to the

Pooled Mortgage Fund, with the objective of increasing the proportion of the fund held in mortgages from its current level of 18.5% to a level of 20%.

Approved

DISCIPLINE

Ernest A. Fox was disbarred by order of Convocation on 14 September 1978. A letter was received from Mr. J. R. Caskey, a member of the Executive of the Middlesex Bar Association, in respect of rent of premises occupied by Mr. Fox for the period February to September 1978. The landlord is holding the Middlesex Law Association responsible for the rent, amounting to $1,760, and the Association approached the Society, seeking assistance to meet this rental demand.

Approved in principle, subject to disposition by the Chairman.

ARCHITECT'S ACCOUNT

Mr. Arthur Heeney, the Society's Architect, submitted his account in the amount of $14,063.57 for professional services rendered.

Approved

SPECIAL COMMITTEE ON PUBLICATIONS

At its meeting on 8th March 1979, this Committee considered a proposal of the Special Committee on Publications to provide members with binders suitable for holding The Law Society Act, its regulation and rules, the Professional Conduct Handbook and the Errors and Omissions Loss Prevention Manual.

The cost of supplying 15,000 binders, including dividers and cartons, had been quoted as $45,675 or $3.045 each. This cost does not include postage or the cost of printing contents.

In view of the high cost involved, the Committee requested that an alternative suggestion be submitted. The Committee was asked to consider the following:

1. Binders be issued to new graduating members starting with

those called in April 1979.

2. Binders be offered at cost to all other members. Cost will be determined after a new estimate has been received from the supplier based on the reduced quantity.
3. All future printings of the publications referred to above will be on pre-punched paper suitable for insertion in three ring binders.

Estimated cost of binders for this year's graduates is not likely to exceed $5,000, depending on the supplier's revised quotation for the reduced quantity. Printing of The Law Society Act, Regulation and Rules for distribution to new graduates has been deferred pending a decision regarding binders because this will affect the printing format. For the same reason, amendments normally distributed to members have not been sent.

Approved

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing law associations which had sent in their Annual Returns for 1978 and setting out the amounts of the grants to which they appear to be entitled under the Regulation in 1978 and 1979. The Libraries and Reporting Committee approved these grants at its meeting on 12 April 1979, subject to the approval of this Committee.

Approved

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE–

Mr. N. MacL. Rogers

Mr. G. H. T. Farquharson, Vice-Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 12th April, 1979.

The following members were present: Messrs. N. MacL. Rogers (Chairman), Chilcott, Farquharson, Strauss, Willoughby and Miss A. R. McCormick.

GREAT LIBRARY

ANNUAL CONFERENCE CANADIAN ASSOCIATION OF LAW LIBRARIES

The Chief Librarian reported that the Canadian Association of Law Libraries is holding its annual conference at Calgary, Alberta on May 22 – 25, 1979. The Committee recommended permission be granted for the Chief Librarian and one other Librarian to attend this meeting.

GIFTS AND DONATIONS

The following donation of books was received by the Great Library:

A. J. C. Anglin, Q.C. Toronto	A total of 20 text books owned by the late uncle of the donor, Dr. John Delatre Falconbridge, many of them being copies signed by the owner and accompanied by correspondence relating to the author of the works or their publication; and 9 of them being the work of Dr. Falconbridge.

Noted

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

REPORTS OFFERED FOR SALE

The Chief Librarian reported that some used reports (in good condition) were available to be purchased from a solicitor. The Chief Librarian reported that the reports would be useful additions to the Great Library and recommended that the cost of the books in the amount of $1,110 should be paid out of the Special Grant for Books. The Committee recommended that permission be given to buy these reports.

COUNTY AND DISTRICT LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Returns for the year 1978. The amounts of the grants to which they are entitled under the Regulation in 1979 and those which they received for 1978 are as follows:

	1978	*1979*
Bruce	$1,705.00	$1,810.00
Durham	2,000.00	2,000.00
Huron	1,180.00	1,250.00
Norfolk	1,155.00	1,355.00
Northumberland	1,740.00	1,775.00
Thunder Bay	2,000.00	2,000.00
Waterloo	2,000.00	2,000.00
York	3,500.00	3,500.00

Approved, subject to the approval of the Finance Committee.

COUNTY LAW LIBRARY GRANTS

The Secretary reported that he had received a letter from the Secretary of The Law Foundation of Ontario refusing the Society's application for a grant in the amount of $10,849 to the District of Manitoulin.

The Committee recommended that the following Special Status Grants be made:

District of Manitoulin	$10,849
Lennox and Addington	5,610
Rainy River	5,000

The Chief Librarian is to use her discretion concerning the payment of the Special Status Grants to the Counties of Peel and Waterloo as follows:

Peel	$ 4,450
Waterloo	5,000

Approved

REPORTING

WEEKLY SUMMARIES

The Secretary reported that he had received a letter from a solicitor in the Crown Attorney's office requesting that consideration be given to providing a substitute for the Weekly Summaries. The Committee recommended that the solicitor be advised that the policy of the Law Society is to provide each member with a copy of the Ontario Reports.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. R. W. Cass presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 12th April, 1979.

The following members were present: Messrs. Pepper (Chairman), Cass, Carthy and Willoughby.

APPLICATIONS

The Committee considered two applications for grants. In each case the applicant had submitted a financial statement and correspondence in support of the application.

The Committee recommended that grants be made.

THE REPORT WAS ADOPTED

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LEGAL EDUCATION COMMITTEE–Mr. Pallett

Mr. J. C. Pallett, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 12th April, 1979.

The following members were present: Mr. G. F. Henderson, Vice-Chairman in the Chair, Messrs. Carthy, Chilcott, Ground, Shibley and Thom.

BAR ADMISSION COURSE – PROFESSIONAL CONDUCT AND SOLICITORS' NEGLIGENCE COURSE AND EXAMINATION

At its meeting on February 9th, 1978 the Committee considered a report of the Director respecting a programme on Professional Conduct and Solicitors' Negligence for students in the Bar Admission Course and approved in principle a plan proposed by the Director outlining such a programme for articling students during the articling term. The Committee's recommendation was adopted by Convocation on February 17th, 1978. Implementation of this proposal for the students in the 1978-79 articling term has not been feasible. It was proposed that the new programme be implemented for students in the 1979-80 articling term and that the form and method of instruction in these matters, heretofore used, be continued in the 1979-80 teaching term.

Approved

FACULTY OF LAW – UNIVERSITY OF CALGARY APPLICATION FOR APPROVAL

The Faculty of Law of the University of Calgary made a submission to the Law Society for approval by Convocation of the Bachelor of Laws programme there conducted and of the LL.B. degree conferred on its graduates as the academic qualification for admission to the Bar Admission Course in Ontario. The submission dated September, 1978 was before the Committee together with the following:

Letters from each of the six law schools in Ontario and from the Deans of McGill University and the Universities of British Columbia, Victoria, Alberta, Saskatchewan, Manitoba and New Brunswick and a memorandum of a communication from the Dean of Dalhousie University; a statement of the requirements of The Law Society of Upper Canada pertaining to the approval of law faculties for the purpose of the admission of their graduates to the Bar Admission Course of Ontario; and a copy of Appendix D to the report of the Special Committee on Legal Education 1972 showing a summary of the 1957 regulations for approved law courses together with the changes in those regulations made in March, 1969.

Approved with a rider that the Faculty of Law of the University of Calgary be advised that the Law Society has a concern that Personal Property is not included in the curriculum as an area of law which all students are required to study and that the Law Society would like assurance that Personal Property is and will be included as a compulsory subject area in the law school course.

ROLE OF LAW SCHOOLS IN CONTINUING LEGAL EDUCATION

Dean H. A. Hubbard of the Faculty of Law of the University of Ottawa proposed that the law schools should have a role in the provision of courses of instruction or materials relating to continuing legal education. Dean Hubbard's letter to the Director dated March 27th, 1979 was before the Committee.

The Committee recommended that a meeting between the Deans of the law schools and the members of the Legal Education Committee be convened and that this matter be referred to that meeting for discussion.

CONTINUING LEGAL EDUCATION REGISTRATION FEES FOR LAW TEACHERS

Dean R. W. Ianni, Chairman of the Committee of Canadian Law Deans, requested on behalf of that Committee that the Law Society consider a waiver or reduction of registration fees for law teachers attending Continuing Legal Education programmes. Dean Ianni's letter to the Director dated April 4th, 1979 was before the Committee.

The Committee recommended that this proposal be not accepted.

SPECIAL PETITIONS

Eight petitions were before the Committee for consideration. Six of a routine nature were approved by the

Committee.

One petitioner sought permission to defer entry into the teaching term for a two-year period to accompany her husband whose employer had transferred him to Alberta. The Committee recommended that a one-year deferment be granted.

One petitioner submitted a special petition by way of appeal from failure in the 20th Bar Admission Course. The Committee recommended that this petition be referred to the special sitting of the Legal Education Committee established to consider such appeals.

ARTICLING REQUIREMENTS – QUESTIONNAIRE

The Deans of the Ontario Law Schools have proposed that a questionnaire be sent to the members of the Society called to the Bar in the past five years, that is the Bar Admission Courses graduating in the years 1977 to 1981 inclusive, and that the results of such questionnaire be programmed in a computer. A draft of the proposed questionnaire was before the Committee. It was proposed that the Law Society's computer should be used and it was established that the total cost involved would be $3,000. It was proposed that this cost should be paid equally by the Law Society and the law schools.

The Committee recommended that this proposal be approved in principle subject to settlement of the final form of the questions to be included in the questionnaire and that the Law Society should pay one-half of the cost of the programme in the approximate sum of $1,500.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the nine-month period from 1st July, 1978 to 31st March, 1979, and reviewed a summary of Continuing Education programmes presented in March, 1979 and a publications report for the month of March, 1979.

THE REPORT WAS ADOPTED

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PROFESSIONAL CONDUCT COMMITTEE–Mr. Cooper

Mr. J. D. Carnwath presented the Report of the Professional Conduct Committee of its meeting on Thursday, 12th April, 1979.

The following members were present: Messrs. Chappell (Vice-Chairman in the Chair), Cooper (Chairman), Carnwath, McWilliams, Outerbridge, Strauss and Mrs. Sutherland.

1. The following item appeared on the Committee's March 1979 Report:

> "A member of the Society has written advising that his firm is considering having him apply to be licensed to be a trustee in bankruptcy. Apparently their practice is a general one with an overall orientation towards working class and poorer people. While they do have some financial agencies as clients this does not form the bulk of their practice. The solicitor wonders if there would be any ethical guidelines violated by making such an application. Your Committee when considering the matter noted that this question had been raised in 1973 by the then Assistant Superintendent of Bankruptcy. The Society's Secretary had obtained an opinion from Mr. John Honsberger. He was not in favour of lawyers being permitted to act as trustees. His view was concurred in by the then Treasurer, the Assistant Superintendent of Bankruptcy being so advised.
>
> Your Committee is of the opinion that it would not be proper for a lawyer to be licensed as a trustee in bankruptcy because of the potential conflicts of interest that could arise."

Convocation referred this matter back to the Committee. The matter has been reviewed with a result that the Committee is still of an opinion that it would not be proper for a lawyer to be licensed as a trustee in bankruptcy because of potential conflicts of interest that could arise. The opinion obtained from Mr. Honsberger is as follows:

July 17, 1973.

Kenneth Jarvis, Esq., Q.C.,
Secretary,
Law Society of Upper Canada,
Osgoode Hall,
Toronto, Ontario,
M5H 2N6.

Dear Ken:

Re: Lawyers Acting as Trustees in Bankruptcy

I agree with the Treasurer that there are as many lawyers who are as well qualified as accountants to act as trustees in bankruptcy. However, when a lawyer practices as a bankruptcy trustee it raises some problems both in respect of his position as a lawyer and his position vis a vis the Society.

1. Do, for example, the creditors in a bankruptcy being administered by a lawyer-trustee have a solicitor-client relationship with the lawyer-trustee?
2. If the answer Number 1 is yes, the creditors as "clients" could claim against the Compensation Fund and presumably if the lawyer-trustee was sued for negligence by a creditor in the administration of an estate, the lawyer-trustee could claim over against the Society's insurers.
3. A trustee is himself bonded and in every estate the trustee must be bonded a second time in respect of the individual estate. It would be possible that with two or even three different insurers the creditor-client would be caught in the middle.
4. Both the Society and the Superintendent of Bankruptcy have established rules in respect of keeping accounts. These could conflict but presumably the lawyer-trustee could protect himself by observing the most stringent rules.
5. Both the Society and the Superintendent have the right to freeze the lawyer-trustee's bank accounts.
6. Similarly, both the Society and the Superintendent may make spot checks on the lawyer-trustee's files.
7. The Superintendent of Bankruptcy has the statutory responsibility to "supervise the administration of all estates to which this Act applies". Having regard to the position that the legal profession took and takes in regard to the income tax act

authorities examining a solicitor's files and abusing the solicitor-client relationship would this not be somewhat the same position if the creditor is regarded as a client?

8. At present, the Society does not permit lawyers to practice law in partnership with those who are not solicitors. Would it cause any problems if in a large firm one lawyer confined his practice to that of a bankruptcy trustee? Would the Society have any position if a lawyer-trustee was invited to be a partner in one of the large bankruptcy trustee organizations? One of the partners of the largest Canadian trustee corporation is a professional engineer. Would there be any restriction upon a lawyer being a partner of that firm?

9. Corporate licences are granted by the Superintendent of Bankruptcy. Could a solicitor incorporate a corporation to carry on the business of a bankruptcy trustee? (In the case of corporate licences, the Superintendent of Bankruptcy also requires the principal employees who do the actual trustee's work to have a "certificate" instead of a licence. A person with a certificate cannot practice independently as a trustee but only with the trustee corporation for whom he is certified).

10. Trustees in bankruptcy can advertise. Would the Law Society impose the same restriction against advertising to the lawyer-trustee?

11. The Institute of Chartered Accountants have made certain rulings in respect of their members acting as trustees in bankruptcy. If lawyers were to be permitted to act as trustees, then the Society and the Institute should be in liaison with each other in respect of these professional rulings.

12. If lawyers were trustees, would the Society accept responsibility for the continuing education of its trustee in bankruptcy members? I mention this as I understand that within the Institute of Chartered Accountants that there is a feeling among some trustees that they are the "ugly ducklings" of the Institute. It has not accepted the responsibility for continuing education of trustees to the same extent as it does in accountancy matters. Feelings were such that a few years ago some trustees organized an Ontario Association of Trustees in Bankruptcy.

13. There might be a possibility that the Superintendent of Bankruptcy and the Law Society would have two different views in a particular circumstance in respect of a conflict of interest. If the Superintendent condoned it and the Society did not, what is the responsibility of the lawyer-trustee?

Several of these points are not substantial and could no doubt be worked out without too much difficulty. I mention them to indicate that a person who carries on an active practice of a lawyer and a bankruptcy trustee at the same time is in somewhat a different position of a lawyer who as a side line owns and operates a coin laundry or a restaurant as lawyers I know have done or combines his practice as a subdivider, industrialist, etc.

Perhaps the business of a bankruptcy trustee is most similar to that of a real estate broker or mortgage broker. Does the Society permit a lawyer to combine his practice with either of these activities?

As I see it, the problem of a lawyer acting as a trustee is a part of the larger problem of whether a lawyer should be able to combine his practice with other lines of endeavour and whether a lawyer should be permitted to practice within a clinic, or firm which combines a number of persons of different callings or professions.

In my opinion, I would at the present moment, lean against permitting lawyers to act as bankruptcy trustees until a wider policy is established covering these other matters that I have mentioned.

If, however, it is decided that lawyers should be able to act as bankruptcy trustees, I would suggest the following restrictions or conditions be placed upon them:

1. The lawyers bankruptcy trustee practice should be entirely separate from his law practice including but not limiting the generality of the condition that the lawyer keep separate filing cabinets, separate ledgers, separate trust accounts, have separate letterheads, professional cards etc. and
2. In any advertising or publication of professional cards that there be separate cards or advertisements in which references to his legal and trustee practices should not be combined in the same card or advertisement.

Yours faithfully,

JDH:le

2. Professor B. J. Reiter of the Faculty of Law, University of Toronto, has written advising that he is in the process of preparing a book of teaching materials entitled "Real Estate Transactions – Cases, Notes and Materials". He has asked for permission to publish in his book the following:

> Rule 10(a) and Commentaries 1, 8 and 6 in Rule 10 and Rule 13 and Commentary 17 in Rule 13.

The Committee recommended that this permission be given.

3. The Director of Education of the County Board of Education has written asking for advice as to whether or not an incumbent board member could be appointed the board's solicitor. The Director advises that it is the practice of his board to pay only fees for service not a retainer.

The Committee is of the view that it would be improper for such an appointment to be made and has instructed the Secretary to so advise.

4. At its March meeting the Committee considered two logos that were being used by two separate law firms on their letterhead. The Committee at that time was of the view that the use of logos was objectionable since it was not permitted under paragraph 6 of the Commentary to Rule 13. There has now come to the Committee's attention three additional logos. The Secretary has been instructed to advise the law firms concerned as to the opinion expressed at the March meeting. The Committee is concerned that other firms may be considering the use of logos and therefore recommended that it be brought to the profession's attention that Rule 13 does not permit the inclusion of logos on firm letterheads.

5. A recent graduate of the Bar Admission Course has written to the Committee indicating that she plans to set up practice as a sole practitioner. One of the office spaces which she has recently examined offers a cost sharing plan with other professionals. She asked whether her participation in the plan would be acceptable. The office space in question is located on the third floor of a building. The second floor is occupied by a finance company and a private mortgage broker. The third floor space which the member examined is accessible by an elevator, the doors of which open onto a common reception area. The cost sharing plan includes the following: a reception area, receptionist's services, coatroom area, washroom facilities, mail sorting, photo-copy machine and boardroom. The actual office space is located behind the reception area. Individual offices will be located on the left and right sides of a central corridor and each office door will bear the name of the professional who

occupies it. The partitioning will be done to meet the needs of the tenants. An architect and a surveyor are presently negotiating for space. The member does not know of any other prospective tenants. There would appear to be space for approximately six to eight offices. It is anticipated that the receptionist will greet clients as they step off the elevator and will telephone through to each office as indicated. The member's proposed space would contain a separate space for her secretary adjacent to her office. There would be no separate waiting area for her clients within the confines of her actual office space.

The Committee is of the opinion that the arrangement as outlined could not be considered improper provided that the other tenants on the floor do not include an insurance agent, a mortgage broker or a real estate agent and instructed the Secretary to so advise.

THE REPORT WAS ADOPTED

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PRACTICE AND INSURANCE COMMITTEE–Mr. Kellock

Mr. B. H. Kellock, Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 19th April, 1979.

The following members were present: Messrs. Kellock (Chairman), Ogilvie and Outerbridge. Messrs. Hargraft and Forbes were present at the Chairman's request.

NOTES ON REAL ESTATE TITLE SEARCHES – HOW LONG RETAINED

John R. Casey of Toronto has written asking how long he must retain notes on real estate title searches. His letter was before the Committee.

The Committee recommended that Miriam Kelly be retained to advise the Society on appropriate practices in this area.

PERSONAL UNDERTAKINGS

Correspondence from Mr. Maltman reflecting a variety of views on this subject and a letter from Mrs. Legge were before the Committee.

Noted

STATISTICAL STUDY IN PREPARATION FOR 1980 RENEWAL NEGOTIATIONS

At its meeting on March 28th, 1979, the Committee discussed the type of information which would assist it in approaching renewal negotiations for coverage in 1980. Mr. Norman was asked to explore the availability of an American software computer programme and its suitability for the Society's purposes and in consultation with the Society's staff whether the American programme or some other programme could be used by the Society's computer including whether on an interim basis access to the programme should be sought through an outside computer. A report on this matter is not yet available.

Noted

MONTHLY REPORT

At its meeting on March 28th last, the Committee discussed the form of report which would be of most assistance and the importance of adopting language which is uniformly understood. The monthly report is in a revised form and is accompanied by a glossary of terms.

The Committee recommended that the form of report be approved subject to some suggested amendments.

LIABILITY OF BARRISTERS

The question of the liability of barristers to claims for negligence arising from the performance of their duties as counsel was discussed particularly in relation to the judgment of Mr. Justice Krever in the *Ungaro* case. A letter from Mr. Outerbridge dated 5th April was before the Committee.

Noted

ACCOUNTS

Mr. Somerville's account dated March 21st was before the Committee for approval in the amount of $1,150 plus disbursements of $3, making a total of $1,153.

Mr. Norman's account dated 2nd April was before the Committee for approval in the amount of $674 plus disbursements of $569.23, making a total of $1,243.23.

Approved

ADJUSTER – PROVISION OF INFORMATION TO THE SOCIETY

Mr. Maltman is of the view that because the Society is not technically an insurer in respect of the group deductible, he is not in a position to provide the Society with the kind of information regularly supplied to an insurer. It has been suggested that this difficulty be overcome by providing the adjuster with a "hold harmless" agreement.

The Committee recommended that the question be referred to Mr. Robinette for an opinion.

TICKLER SYSTEM

Newsome and Gilbert are issuing a limitation reminder system stated to be "printed as per Law Society recommendation". The Society has made no recommendations with respect to that company's reminder system.

The Committee recommended that Newsome and Gilbert be advised that they ought not to advertise their system in the way that gives the impression that the Society has endorsed it.

COUNSEL FEES

A list of the fees paid to Counsel during March, 1979, was before the Committee.

Noted

ADJUSTERS' FEES

Lists of the fees paid in March, 1979, to adjusters under the old Fund, under the 1977 Fund, under the 1978 Fund and the 1979 Fund were before the Committee.

Noted

THE REPORT WAS ADOPTED

. . . .

UNAUTHORIZED PRACTICE COMMITTEE–Mr. White

Mr. J. G. M. White, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 12th April, 1979.

The following members were present: Messrs. Strauss (Acting Chairman), Furlong and Seagram.

1. Five accounts of counsel and the Society's investigator were approved for payment.

2. The Secretary reported that a letter was received from the Chairman indicating his views on the recommendation of the Professional Organizations Committee report as it relates to Unauthorized Practice. The Committee feels strongly of the view that prosecutions under Section 50 of The Law Society Act for Unauthorized Practice should remain in the hands of the Law Society and that the Society Liaison Committee should be advised accordingly.

3. The Secretary reported that a letter was received from a solicitor with a form of document attached which was used by a process server when notifying the person that there is a document to be served upon that person. In the personal view of some members of the Committee, the document may not be unauthorized practice but it appears to mislead the recipient because it looks like a court document. The Secretary was instructed to advise the solicitor who submitted the document that he might wish to consider these views when advising his client, the process server.

4. A complaint was received that a Wills Kit Agency was distributing wills kits for $2.98. The Secretary was instructed to

advise the complainant that by itself, the wills kit did not constitute unauthorized practice.

5. A letter was received from a solicitor who complained that an individual was holding himself out to be a solicitor in Ottawa. The Secretary was instructed to refer this matter to counsel for an investigation and if in his opinion there was sufficient evidence, to commence a prosecution under Section 50 of The Law Society Act.

6. A letter was received complaining that a company had been preparing and registering liens against the common expenses of a condominium corporation. The Secretary was instructed to write to the complainant and state that based on the material before the Committee, the drafting and registering of such a lien is not unauthorized practice.

7. A letter was received from a solicitor who complained concerning an advertisement which appeared in a Toronto newspaper indicating that a New York attorney would give legal advice on U.S. Immigration Law if individuals in Ontario would telephone the attorney in New York. The Secretary was instructed to write to the complainant and indicate that the advertisement does not disclose any unauthorized practice.

8. A letter was received from the Companies Division indicating that an incorporation agency had submitted one application for incorporation in December 1978 to the Companies Division. The Secretary was instructed to advise that this was not unauthorized practice.

9. A letter was received from a solicitor concerning a brochure in which an individual held himself out and represented himself to be able to advise concerning applications to the Ontario Highway Transport Board. The Secretary was instructed to refer this matter to Mr. Tobias for an opinion as to whether this was unauthorized practice.

THE REPORT WAS RECEIVED

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CONVOCATION ROSE AT 4:30 P.M.

. . . .

Read in Convocation and confirmed 18th May, 1979.

G. D. FINLAYSON
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Wednesday, 9th May, 1979
11:30 a.m.

PRESENT:

The Acting Treasurer (Mr. P. B. C. Pepper) and Messrs. Bowlby, Brulé, Carnwath, Chappell, Chilcott, Cooper, Fennell, Ground, Humphrey, Mrs. Legge, Messrs. Lochead, McWilliams, O'Brien, Ogilvie, Outerbridge, N. MacL. Rogers, Seagram, Sheard, Mesdames Sutherland and Tait, Messrs. Thom and Willoughby.

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ACTING TREASURER

In accordance with the provisions of Rule 19.5 made under The Law Society Act, in the absence of the Treasurer (Mr. G. D. Finlayson), Mr. P. B. C. Pepper, the Chairman of the Finance Committee, acted as Treasurer.

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ELECTION OF BENCHERS 1979

The Secretary laid before Convocation his Certificate made under Rule 14 of The Law Society Act, certifying the persons elected as Benchers.

Pursuant to Rule 15 of The Law Society Act, the Secretary presented the following Report:

The following members have been elected Benchers under Section 15 of The Law Society Act:

Within Metropolitan Toronto:	Outside Metropolitan Toronto:
1. Arthur R. A. Scace	1. Gordon F. Henderson
2. Donald H. L. Lamont	2. Peter B. Tobias
3. Edwin A. Goodman	3. John D. Bowlby
4. Austin M. Cooper	4. James B. Chadwick
5. David G. Humphrey	5. Samuel Lerner
6. Laura L. Legge	6. W. Bruce Affleck

7. Robert J. Carter
8. Harry W. Arthurs
9. J. Albert Brulé
10. John D. Ground
11. Clayton C. Ruby
12. James J. Carthy
13. Barry Pepper
14. Pierre Genest
15. Richard E. Shibley
16. Ian W. Outerbridge
17. Lee K. Ferrier
18. Marvin A. Catzman
19. B. Clive Bynoe
20. A. Burke Doran

7. Ronald W. Cass
8. J. Roderick Barr
9. James D. Carnwath
10. W. Dan Chilcott
11. C. Bruce Noble
12. Roger D. Yachetti
13. Gordon H. T. Farquharson
14. Patrick G. Furlong
15. Bernard Shaffer
16. J. James Wardlaw
17. George H. Lochead
18. Peter K. E. McWilliams
19. L. Stuart Willoughby
20. John G. M. White

Attached hereto is a complete list of those who stood for election in the order of their standing following tabulation of the ballots cast.

The voters' lists, made in accordance with Rule 9 in February, 1979, contained the names of 11,314 members entitled to vote in the election and the names of 1,057 student members. 75 student members were not Called to the Bar in time to vote. The remaining 12,296 members and student members were entitled to vote.

At the close of nominations on the 15th of March 148 members had been properly nominated, 95 members from Metropolitan Toronto and 53 members from outside Metropolitan Toronto.

On or about the 6th of April a ballot in two parts was mailed to each voter with inner and outer return envelopes. Voting ended on the 30th of April and the following day in the presence of the scrutineers the outer envelopes bearing the voters' names were separated from the inner envelopes containing the ballots. Later the ballots were taken out, the votes recorded on the Society's computer and verified, and the election result produced by the computer in time for the Special Convocation called for the 9th of May, 1979.

There were 7,858 ballots properly cast for members in Metropolitan Toronto and 7,668 cast for members from outside Metropolitan Toronto. 8 ballots were returned by the postal authorities as undeliverable. There were 43 spoiled ballots. 27 election envelopes received were unsigned, and were not counted. One election envelope, although signed, could not be read or identified and was rejected. 300 election envelopes were received between the 30th of April and the 7th of May, 1979, and were neither opened nor counted. 11 election envelopes were received from student members who were not Called to the Bar in time to vote. These were rejected. 156 ballots for members in Metropolitan Toronto contained no votes and 357 ballots for members from outside Metropolitan Toronto were unmarked.

Monday afternoon, the 7th of May, the scrutineers reported to the Secretary the names of the twenty persons within Metropolitan Toronto and the twenty persons outside Metropolitan Toronto who received the highest number of votes and the Secretary forthwith certified them as having been elected as Benchers.

ATTACHMENT:

THE LAW SOCIETY OF UPPER CANADA – 1979 BENCHERS' ELECTION

CANDIDATES – METROPOLITAN TORONTO

Column 1

Scace, Arthur R. A.
Lamont, Donald H. L., Q.C.
Goodman, Edwin A., Q.C.
Cooper, Austin M., Q.C.
Humphrey, David G., Q.C.
Legge, Laura L., Q.C.
Carter, Robert J., Q.C.
Arthurs, Harry W.
Brulé, J. Albert, Q.C.
Ground, John D., Q.C.
Ruby, Clayton C.
Carthy, James J., Q.C.
Pepper, Barry, Q.C.
Genest, Pierre, Q.C.
Shibley, Richard E., Q.C.
Outerbridge, Ian W., Q.C.
Ferrier, Lee K., Q.C.
Catzman, Marvin A., Q.C.
Bynoe, B. Clive, Q.C.
Doran, A. Burke, Q.C.
Crane, J. Douglas, Q.C.
Bristow, David I., Q.C.
Manning, Morris, Q.C.
Kellock, Burton H., Q.C.
Strauss, Nathan, Q.C.
Bastedo, Thomas G.
Morphy, M. Lorne, Q.C.
Lamarsh, Julia V., Q.C.

Column 2

O'Reilley, Miles D., Q.C.
Carson, John C., Q.C.
Ellis, S. Ronald
Rachlin, Theodore H., Q.C.
McGee, Robert B., Q.C.
Evans, Lance S., Q.C.
Brown, Constance M.
Rosenberg, Alvin B., Q.C.
Levinter, Benjamin V., Q.C.
Shannon, L. Paul, Q.C.
Lipton, Michael D., Q.C.
Matheson, Donald C.
Pickett, Paul B., Q.C.
Reiter, Moishe, Q.C.
Haffey, M. Joseph, Q.C.
Kearley, Laurence G.
D'Andrea, Frank M.
Feigman, Leonard, Q.C.
Ellyn, Igor
Charlton, Anthony E.
Salem, Harvey M., Q.C.
Haber, Harvey M., Q.C.
Hogg, Derek T.
Keith, Anthony, Q.C.
Elliott, George D.
Schofield, Edmund L.
Moscoe, Sydney, Q.C.
Matlow, P. Theodore

Column 1 (continued)

Orkin, Mark M., Q.C.
Pomerant, Joseph B., Q.C.
Rogers, Norman MacL., Q.C.
Karp, Allen
Lissaman, Douglas H., Q.C.
Robertson, Ronald N., Q.C.
Stone, Arthur J., Q.C.
Cassels, Walter G., Q.C.
MacMillan, Charles F., Q.C.
Yaremko, John, Q.C.
Levy, Earl J., Q.C.
Wigle, Wendell S., Q.C.
Atlin, Gordon, Q.C.
Parkinson, John G., Q.C.
Stradiotto, Rino A., Q.C.
Pepper, Elliott R., Q.C.
Rickaby, J. Peter, Q.C.
Lamek, Paul S. A., Q.C.
Benson, Philip W., Q.C.
Nathanson, David C.

Column 2 (continued)

Polika, Julian, Q.C.
Deakon, Walter C.
Paul, Nicholas P., Q.C.
Dyment, Alexander D., Q.C.
Wickett, Thomas H., Q.C.
Naftolin, Stanley
Zaldin, Donald A.
Sawers, James A. J., Q.C.
Liebeck, Frank I.
Romanick, Marshall B., Q.C.
Goodman, Sheldon
Magill, John N.
Young, J. Eric, Q.C.
McCallum, A. Douglas
Broley, M. Walker, Q.C.
Swayze, Robert J.
Freesman, Boris G., Q.C.
Borski, Norman H. R.
Allan, A. Stephen, Q.C.

CANDIDATES – OUTSIDE METROPOLITAN TORONTO

Column 1

Henderson, Gordon F., Q.C.
Tobias, Peter B., Q.C.
Bowlby, John D., Q.C.
Chadwick, James B., Q.C.
Lerner, Samuel, Q.C.
Affleck, W. Bruce, Q.C.
Cass, Ronald W., Q.C.
Barr, J. Roderick, Q.C.
Carnwath, James D., Q.C.
Chilcott, W. Dan, Q.C.
Noble, C. Bruce, Q.C.
Yachetti, Roger D.
Farquharson, Gordon H. T., Q.C.
Furlong, Patrick G., Q.C.
Shaffer, Bernard, Q.C.
Wardlaw, J. James, Q.C.
Lochead, George H., Q.C.
McWilliams, Peter K. E., Q.C.
Willoughby, L. Stuart, Q.C.
White, John G. M., Q.C.
Guthrie, Hugh, Q.C.
Bragagnolo, Rino C., Q.C.
Mills, Peter A., Q.C.
Wiacek, Joseph M.
Kurisko, Stanley R., Q.C.
Wallace, George E., Q.C.
Thomas, Eileen Mitchell, Q.C.

Column 2

Pallett, John C., Q.C.
Bell, Walter E., Q.C.
Fridman, Gerald H. L.
Philp, Paul G., Q.C.
Cartwright, Katherine E.B.
Weldon, E. Leonard, Q.C.
Perras, Robert, Q.C.
Rae, Kenneth A.
Stark, Hugh G.
Talsky, Marvin
Bailey, William H. C.
Greer, Thomas H., Q.C.
Linton, Ross B., Q.C.
Bates, R. Noel
Whitten, Alan C. R.
Morris, William, Q.C.
Sampson, John E., Q.C.
Corvese, John
Plaxton, Donald G. W.
Callahan, Robert V.
Garbe, E. Alan
Mulligan, D'Arcy H.
Dixon, N. Duane
McKay, Nelson A.
Martin, Michael E., Q.C.
Ireson, Thomas E.

THE REPORT WAS RECEIVED

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LEGAL EDUCATION COMMITTEE–Mr. Pallett

Mr. J. A. Brulé, Vice-Chairman, presented the Report of the Legal Education Committee of its meeting on Wednesday, 9th May, 1979.

The following members were present: Mr. J. A. Brulé, Vice-Chairman in the Chair, Messrs. Chilcott, Ground, Outerbridge, N. MacL. Rogers, Thom and Mrs. R. M. Tait.

20TH BAR ADMISSION COURSE RESULTS OF SUPPLEMENTAL AND SPECIAL EXAMINATIONS

The supplemental and special examinations in the 20th Bar Admission Course were written during the week commencing Monday, March 26th, 1979. Forty-seven candidates each wrote one, two or three supplemental examinations, making a total of eighty-six papers so written. One candidate entitled to write a supplemental examination, was unable to do so by reason of illness. Thirteen candidates each wrote one or two special examinations, making a total of seventeen papers so written. Two of these candidates wrote both special and supplemental examinations. All candidates who wrote special examinations successfully completed the Bar Admission Course and forty-two candidates who wrote supplemental examinations successfully completed the Bar Admission Course and five candidates who wrote supplemental examinations failed the Bar Admission Course. A list showing the names of the fifty-three candidates who successfully completed the Bar Admission Course and the names of the five candidates who failed the Bar Admission Course after writing supplemental and/or special examinations was before the Committee.

Approved

THE REPORT WAS ADOPTED

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ADMISSIONS COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Admissions Committee of its meeting on Wednesday, 9th May, 1979.

The following members were present: Mr. J. D. Ground (Chairman), Messrs. Brulé, Sheard and Mrs. Sutherland.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

A list of 57 candidates who successfully completed the Twentieth Bar Admission Course was before the Committee. They filed the necessary documents and paid the required fee of $210 and applied for call to the Bar and to be granted Certificates of Fitness.

Included in this number are two candidates who have previously been approved by the Committee to be called to the Bar but who subsequently deferred their call – Jay Ian Bernholtz and Steven Paul Harrison deferred from Toronto on 6th April 1979.

Also included in this number is Robert Charles Hays who was called to the Bar on 8th April 1960. He was permitted to resign his membership in the Society on 22nd June 1968 upon undertaking that he would not apply to have his name restored to the Rolls and Records of The Law Society of Upper Canada. Convocation, on 17 March 1978, relieved him of his undertaking. On 19th May 1978, Convocation approved that he be readmitted upon successful completion of the teaching portion of the Bar Admission Course, which condition he fulfilled. It was recommended that he be called to the Bar with the graduates of the Twentieth Bar Admission Course and his name be restored to the Rolls and Records of the Society.

Approved

THE REPORT WAS ADOPTED

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ELECTION OF TREASURER 1979
RULE 19 UNDER THE LAW SOCIETY ACT

It was moved, seconded and *carried* that the question of the election of Treasurer be referred to the Finance Committee with the suggestion that in 1979 the election be in June and Rule 19 as it existed immediately before 18th March, 1978 be reinstated.

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CONVOCATION ADJOURNED FOR LUNCHEON AT 11:50 A.M.

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The Treasurer and Benchers had as their guests for luncheon in the Benchers Dining Room at Osgoode Hall The Honourable Gregory T. Evans, Chief Justice of the High Court of Justice for Ontario; The Honourable John N. Turner, P.C., Q.C.; Mr. G. W. Collins-Williams, Q.C., Director of Legal Education; Mrs. E. Rachael Knox, Assistant Director, Bar Admission Course.

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Following luncheon the Treasurer, the Benchers and their guests proceeded to Convocation Hall for the Call to the Bar Ceremonies of the 57 graduates of the Twentieth Bar Admission Course who had applied to be called on Wednesday, 9th May, 1979.

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CONVOCATION RESUMED AT 2:00 P.M.

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PRESENT:

The Acting Treasurer (Mr. P. B. C. Pepper) and Messrs. Bowlby, Brulé, Bynoe, Carnwath, Cooper, Fennell, R. J. S. Gray, Ground, Humphrey, Mrs. Legge, Messrs. Lochead, McWilliams, O'Brien, Ogilvie, Seagram, Mesdames Sutherland and Tait, and Mr. Thom.

The body of Convocation Hall was occupied by the 57 candidates, their families and friends.

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ADDRESS

The Acting Treasurer, Mr. P. B. C. Pepper, Q.C., addressed the graduates.

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PRESENTATION OF APPOINTMENT

Mr. G. W. Collins-Williams, Director of Legal Education, presented the recipient of an appointment to the Treasurer.

The Treasurer congratulated the following who had been given a special appointment:

A Law Clerk to The Honourable Gregory T. Evans,
Chief Justice of the High Court of Justice
for Ontario:

Sarah Jane Welch

....

CALL TO THE BAR

Mr. J. D. Ground, Chairman of the Admissions Committee, presented to the Treasurer the 57 candidates for Call to the Bar as follows:

TWENTIETH BAR ADMISSION COURSE 1978–79

CANDIDATES FOR CALL TO THE BAR ON WEDNESDAY, 9TH MAY, 1979

Victoria Askin
Georgina Brodie Bell
Jay Ian Bernholtz
Inderjeet Singh Bhoi

Sharman Mary Louise Sharkey Bondy
Ernest Duree Boyden
Elisabeth Braun
Harry Robert Burkman
Hubert James Gregory Campbell
Thomas James Patrick Carey
George Nelson Carter
Peter Joseph Cavanagh
Richard Frank Hans Marie Claus van Banning
Robert Glen Copland
Victor Ray Davis
Pierre Emile DesRoches
Ann Dempsey Dillon
Avrum Fenson
Michael Maurice Fleishman
James Arthur Girling
Leslie Goldstein
Sara Reva Greenblatt
Eugene Sanborn Hallman
Steven Paul Harrison
Robert Charles Hays *
Margaret Jean Hodgson
Paul Norman James Hutchinson
Howard Wayne Isenberg
Marcel Joanisse
Thomas Daniel Kirby
Harry Smith LaForme
Bernadene Lenore Latta
Jeanne Dale Archibald Lederman
Louise Elaine Lefaive
Celia Anne MacDonald
Frank Edmund McArdle
William Geoffrey Milne
John Wan Pang Mo
Marie Adele Delia Opekokew
David John Parsons
Christopher John Probert
Reginald Peter Rawana
Judyth Mari-Anne Rekai
Abraham Norman Rubinfeld
Lloyd Rolland St. Amand
Anne Ethel Scott
Fred Willard Sheldon
Donald Bruce Snider
William Ross Snobelen
Ian Stuart Solomon
Phyllis Gordon Solomon
Ronald Henry Squire
Ronald Martin John Drake Swiddle
Wendy Jane Thompson
Earl Bruce Tyler
Sara Jane Welch
Michael Zimmerman

* *Readmission*

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

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CONVOCATION ROSE AT 2:25 P.M.

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Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in Convocation Hall with The Honourable Gregory T. Evans, Chief Justice of the High Court of Justice for Ontario, presiding.

Mr. J. D. Ground presented the candidates to the Chief

Justice of the High Court, before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of the High Court then addressed the new Barristers.

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At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in Convocation Hall.

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Read in Convocation and confirmed 15th June 1979.

P. B. C. PEPPER	G. D. FINLAYSON
Acting Treasurer Special Convocation	Treasurer June Convocation

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 18th May, 1979
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Affleck, Arthurs, Barr, Bowlby, Brulé, Bynoe, Carnwath, Carthy, Cass, Catzman, Chadwick, Chilcott, Cooper, Doran, Farquharson, Fennell, Ferrier, Furlong, Genest, Gray, Ground, Henderson, Humphrey, Lamont, Mrs. Legge, Messrs. Lerner, Lochead, McWilliams, O'Brien, Ogilvie, Outerbridge, Pepper, Ruby, Scace, Shaffer, Sheard, Shibley, Mrs. Tait, Messrs. Tobias, Wardlaw, White and Yachetti.

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BENCHERS

The Treasurer congratulated the Benchers who were successful candidates in the recent Benchers Election and welcomed the fourteen new Benchers to the Bench.

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BENCHER EX OFFICIO
STANLEY E. FENNELL, Q.C.

The Treasurer informed Convocation that Mr. Stanley E. Fennell, Q.C., of Cornwall, had notified the Secretary by letter dated 12th March, 1979, that he had decided not to be a candidate in the Benchers Election but to exercise his option pursuant to Section 12(4) of The Law Society Act and become a Bencher ex officio effective 17th May, 1979.

Mr. Fennell was first elected in the Benchers Election of April 1961 and at subsequent elections in 1966, 1971 and 1975.

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MINUTES

The Minutes of Special Convocation for Call to the Bar of 5th, 6th, 9th and 11th April, 1979 and of Convocation of 20th April, 1979 were read and confirmed.

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FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 10th May, 1979.

The following members were present: Messrs. Pepper (Chairman), Farquharson, Fennell, Ground and Ogilvie.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointment to Judicial Office and their membership in the Society will be placed in abeyance upon their assuming office:

June Tarshis Bernhard, Q.C. Toronto	Called – 21 June 1951 Appointed Provincial Court Judge, Criminal Division, Judicial District of York – 11 April 1979.
Jacie Charles Horwitz, Q.C. Toronto	Called – 15 June 1939 Appointed Provincial Court Judge, Criminal Division, Judicial District of York – 18 April 1979.

Deaths

The following members have died:

Francis Charles Denomme North Bay	Called – 26 June 1958 Died – 8 April 1979
Keith Brightwell Clysdale St. Marys	Called – 22 November 1935 Died – 18 March 1979
Daniel Joseph Mascioli Timmins	Called – 18 November 1937 Died – 12 April 1979

George Whitney Ainslie, Q.C. Ottawa	Called – 28 June 1956 Died – 23 April 1979
Vera Alexandra Cartwright Kingston (Life Member)	Called – 16 September 1920 Died – 23 February 1979

Disbarments

The following former members have been disbarred and struck off the rolls and their names have been removed from the rolls and records of the Society:

Robert Hundley Smithers Sarnia	Called – 25 March 1966 Disbarred – Convocation 20 April 1979
William Leonard Matthew Greene Trinidad, West Indies	Called – 24 March 1972 Disbarred – Convocation 20 April 1979

Noted

MEMBERSHIP RESTORED

The Honourable Wishart Flett Spence, Q.C., gave notice under Section 31 that he had retired as a Judge of the Supreme Court of Canada and wished to be restored to the rolls of the Law Society. Accordingly, his membership was restored effective 27th April, 1979. Mr. Spence was entitled to Life Membership in the Society, having been called to the Bar on 21st June, 1928.

Approved

MEMBERSHIP UNDER RULE 50

Retired Member

Philip Henry Francis Sullivan of St. Catharines, who is sixty-five years of age or over and fully retired from the practice of law, requested permission to continue his membership in the Society without payment of annual fee.

Approved

CHANGES OF NAME

On 24th April 1979, *Sharman Mary Louise*

Sharkey-Bondy, then a student member, petitioned to have her name changed to Sharman Mary Louise Sharkey *Bondy*, without the hyphen. Since the student wished to be called in her new name on 9th May 1979, approval of the request was granted by the Chairman of the Finance Committee. The matter was before the Committee for ratification.

The following members requested that their names be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Lois Elizabeth Knepflar	Lois Elizabeth *Lehmann* (married name)
Deborah Marjorie Worden	Deborah Marjorie *Alexander* (maiden name)

Approved

ARREARS OF ERRORS AND OMISSIONS INSURANCE LEVY

Under Section 36 of The Law Society Act, if a member fails to pay any fee or levy payable by him to the Society within four months of the date on which payment is due, he is liable for suspension for non-payment. The Errors and Omissions Insurance Levy was due on 1st January 1979. Notice of Levy due was mailed to the profession on 15th January, 1979. Two subsequent reminder notices were sent to members in arrears.

It was recommended that those members who are still in arrears be advised that the Committee will recommend to Convocation on 18th May, 1979, that if their Levy is still unpaid by 31st May, 1979, their rights and privileges be suspended on that date.

Approved

SALARIES

A report of the Sub-Committee on Salaries was before the Committee.

Approved

PUBLIC RELATIONS

The Canadian Bar Association submitted an account in the amount of $4,000 for the Society's annual contribution to the joint Public Relations Programme.

Approved

COUNSEL'S ACCOUNT

Tory, Tory, DesLauriers & Binnington have submitted their account in the amount of $3,186.30 in connection with the Law Society and *Stevens.*

Approved

BENCHERS' ELECTION

The Committee was asked to authorize payment of honoraria to the Treasurer's representative, the scrutineers and some staff members in accordance with the schedule which was before the Committee.

Approved

(In future honoraria will not be paid and overtime will be paid for extra work on the usual basis.)

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing law associations which had sent in their Annual Returns for 1978 and setting out the amounts of the grants to which they appear to be entitled under the Regulation in 1978 and 1979. The Libraries and Reporting Committee approved these grants at its meeting on 10th May, 1979, subject to the approval of this Committee.

Approved

LEGAL EDUCATION COMMITTEE

The following item was on the agenda of the above Committee at its meeting on 10th May, 1979 and that Committee recommended acceptance of the offer contained therein:

> **"BAR ADMISSION COURSES – OTTAWA PREMISES**
>
> From September 15th, 1978, to April 15th, 1979, the Law Society rented from the University of Ottawa, furniture for use in the Bar Admission Course premises at 1245 Kilborn Avenue, Ottawa. The rental for the seven month period was $4,000. A copy of the invoice for such rental and a list of the furniture with monthly rental charges was before the Committee. The University of Ottawa has proposed that the Law Society should purchase the said furniture at a cost of $6,000 against which would be credited the rent of $4,000, leaving a net cost of $2,000. The University's letter dated April 5th, 1979, making such proposal was before the Committee."

Approved

ELECTION OF TREASURER 1979
RULE 19 UNDER THE LAW SOCIETY ACT

On Wednesday, 9th May, 1979, Special Convocation directed that the question of the election of Treasurer be referred to the Finance Committee with the suggestion that in 1979 the election be in June and Rule 19 as it existed before 17th March, 1978, be reinstated.

The Committee approved this suggestion. *(See motion, p. 259.)*

HEATING

The Government of Ontario submitted its invoice for heating and other costs for the period ended 28th February 1979 in the amount of $45,619. Of this total, $12,838 relates to steam for March and April 1978. Since 1st May 1978, steam has been purchased directly from Ontario Hydro.

The account was reviewed by Mr. Heeney, who recommended payment.

Approved

INSURANCE

The following renewal premiums have been billed to the Society. In all cases policy years are from 15th April 1979 to 15th April 1980.

(a) Comprehensive General Liability

Personal Injury	$2,000,000	
Employers Liability	$2,000.000	(increased from $500,000 23rd Feb. 1979)
Tenants Liability	$ 250,000	(increased from $100,000 23rd Feb. 1979)
Voluntary Compensation	$ 150 p.w.	(increased from $75 p.w. 23rd Feb. 1979)
Non-owned automobile	$2,000,000	

Premium 1979/80 $3,285 + increased amount for 1978/79 $124.

Premium paid for 1978/79 for the lower coverages shown was $2,800.

When the increases shown were approved, it was expected the increased cost would be $985 per annum. In fact, the increase was only $485 per annum.

The Society's agents, Tuckett Little, originally intended to recommend an increase in the basic coverage under this policy, personal injury, from $2,000,000 to $5,000,000. This was omitted from the submissions considered by the Committee in February. The Committee was asked to consider this further increase at an estimated annual premium of $900.

Approved

(b) Crime Insurance

Employee Dishonesty	$200,000
Money & Securities	$ 5,000
Depositors Forgery	$200,000

Premium 1979/80 $1,250

Premium paid for 1978/79 was $1,014.

The Committee had before it at its meeting on 8th February, 1979, a recommendation to increase the coverage either to $250,000 at a cost of $38 or to $500,000 at a cost of $229. No recommendation was made by the Committee at that time pending a review of the type of coverage afforded.

Approved at $500,000

(c) Safety Deposit Box Contents

Securities	$200,000

Premium 1979/80 $106

(d) Boiler and Machinery

Boilers, pressure vessels etc. $2,000,000 (increased from $500,000 23rd February 1979)

Premium 1979/80 $1,301 + increased amount for 1978/79 $16

(e) Property

Blanket Insurance $17,472,028

Premium 1979/80 $22,364 (1978/79 $21,436)

The Committee was asked for instructions on paragraphs (a) and (b). The Committee was also asked to consider the matter of insurance valuations.

The Committee recommended that the matter be discussed with Mr. Isadore Levinter.

AMENDMENTS TO LAW SOCIETY'S PENSION PLAN

Amendments to the Society's Pension plan were recommended as follows:

(a) Section 7.3 dealing with deferred retirement is being amended so that if an employee remains in the service of the Society beyond normal retirement age, their pension will be increased both as to length of service and any increase in salary. This change was approved by Convocation on 21st October 1977.

(b) Amendments are required to Section 8.1 following the decision of the Finance Committee to make the pension payable to employees uniform without distinguishing between the old money purchase plan and the new unit benefit plan which became effective in 1969. This change was approved by Convocation on 20th October 1978.

(c) Section 7.3 dealing with postponed retirement allows male members who enrolled in the plan prior to March 1st, 1970, to postpone retirement without the Society's consent. It is suggested that this discrimination in favour of male employees be eliminated.

Approved

MOTION: ELECTION OF TREASURER 1979 RULE 19, THE LAW SOCIETY ACT

It was moved, seconded and *carried* that in 1979 only the election of Treasurer take place at the Regular Convocation in June and that Rule 19 be suspended and the Rule as it existed immediately before 17th March, 1978, be reinstated and amended to read as follows:

THE LAW SOCIETY ACT

RULE 19

THE TREASURER

ELECTION

19.–(1) The election of Treasurer shall be the first matter of business at the May Convocation or at such other Convocation as Convocation may fix.

(1a) Nominations for Treasurer signed by the movers and seconders and by the persons nominated must be delivered to the Secretary's office by 1st June, 1979.

(The remainder of Rule 19 remains unchanged.)

. . . .

MOTION: ELECTION OF TREASURER RULE 19, THE LAW SOCIETY ACT

It was moved, seconded and *carried* that the question of the mailing of ballots to all Benchers be referred to the Special Committee on the Office of the Treasurer (Mr. Robinette's Committee) for consideration.

THE REPORT AS AMENDED WAS ADOPTED

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MOTION TO SUSPEND: ARREARS OF ERRORS AND OMISSIONS INSURANCE LEVY

It was moved, seconded and *carried* that those of the

Barristers and Solicitors who have failed to pay the levy prescribed under Section 53 of The Law Society Act by 31st May 1979 be suspended from 31st May 1979 for one year and from year to year thereafter until their levies are paid or until applications for exemption from coverage are approved.

Of the 126 members whose names were before Convocation on 18th May, 1979, 72 were suspended as of 31st May, 1979. The name of one member was removed from the list because it was discovered that a second reminder notice had not been sent to that member. Of the 72 members so suspended, 61 were subsequently reinstated. The following are still suspended:

William Andrew Andrachuk	Oakville
Oscar Davis	Toronto
Thomas Michael Hawkesworth	Grande Prairie, Alberta
Ernest Robert Hennessey, Q.C.	Burlington
James Alexander MacKenzie	Ottawa
Bartholomeus John Maydan	Toronto
Brian Edward Joseph McAsey	Montreal, Quebec
William Edward McCaughey	Chelsea, Quebec
Nicholas Joseph Monti	Hamilton
Bruce Edward Scott	Scarborough
Sydney Silverman	Toronto

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TRIAL DATES AND ADJOURNMENTS IN THE PROVINCIAL COURTS (CRIMINAL DIVISION) – FAILURE OF COUNSEL TO APPEAR IN COURT WHEN REQUIRED

The Treasurer drew Convocation's attention to a notice published in the Ontario Reports of 11th and 18th May, 1979, respecting trial dates and adjournments in the Provincial Courts (Criminal Division). The notice records decisions reached by a Committee under the chairmanship of the Chief Justice of Ontario which included representatives of the County and District Courts, Provincial Courts (Criminal Division), the Ministry of the Attorney General, The Law Society of Upper Canada and the Criminal Lawyers' Association. The decisions have been approved by the Bench and Bar Committee and by the Ontario Courts Advisory Council and become effective 18th June, 1979. They will bring about important changes in the scheduling of trials and appeals. Their purpose is to ensure so far as possible that accused are represented by counsel satisfactory to them, that delays in bringing actions on for trial are substantially reduced and to eliminate unnecessary expenses and inconvenience to the public.

If Crown or defence counsel fails to attend on the date fixed for trial or seeks an adjournment without having followed the proper procedure and the trial judge is not satisfied with the explanation offered, the matter will be referred to the Law Society for appropriate action.

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ADMISSIONS COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the portion of the Report of the Admissions Committee of its meeting on Thursday, 10th May, 1979, with respect to two candidates for Call to the Bar as follows:

OCCASIONAL APPEARANCE

Hugues Seguin of the Province of Quebec, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Regina v. Rene Renger et al.* Mr. Seguin complied with the requirements of Section 10 of the Regulation and presented a Certificate of Good Standing. He asked to receive his call to the Bar of Ontario at the May Convocation.

Approved

Paul Skolnik of the Province of Quebec, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Regina v. Rene Renger et al.* Mr. Skolnik complied with the requirements of Section 10 of the Regulation and presented a Certificate of Good Standing. He asked to receive his call to the Bar of Ontario at the May Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Call to the Bar for an Occasional Appearance

At its meeting on 10th May 1979, the Admissions

Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearance in Ontario of lawyers from other Provinces", and that upon giving the necessary undertakings they be called to the Bar and admitted as Solicitors.

Hugues Seguin	Province of Quebec
Paul Skolnik	Province of Quebec

Approved

THAT PORTION OF THE REPORT WAS ADOPTED

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CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Hugues Seguin
Paul Skolnik

. . . .

DISCIPLINE COMMITTEE–Mr. Lochead

Re: JOEL S–Z. WAGMAN, Q.C., Toronto

Mr. G. H. Lochead, Chairman, presented the matter to Convocation. It had been adjourned from Convocation on 20th April, 1979.

The reporter was sworn.

Messrs. Carthy, Catzman, Farquharson, Gray and Tobias withdrew from Convocation, took no part in the discussion and did not vote.

The solicitor attended with his counsel, Mr. Bernard L. Eastman, Q.C. Miss M. L. Pilkington appeared for the Society.

Counsel for the solicitor advised that it appeared likely that Legal Aid will assist in providing funds for the transcript.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the matter be adjourned to Wednesday and Thursday, 1st and 2nd August, 1979, to be heard.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the date set for hearing.

The solicitor, counsel and the reporter retired.

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LEGAL EDUCATION COMMITTEE–Mr. Pallett

Mr. J. A. Brulé, Vice-Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 10th May, 1979.

The following members were present: Mr. J. A. Brulé, Vice-Chairman in the Chair, Messrs. R. J. S. Gray, Ground, Orkin, Outerbridge, Shibley, Thom and Mrs. R. M. Tait.

20TH BAR ADMISSION COURSE – REPORT OF THE BOARD OF REVIEW FOR THE TEACHING TERM 1978–1979

The Board of Review made its final report for the teaching term of the 20th Bar Admission Course 1978–1979. The report was before the Committee.

Received

BAR ADMISSION COURSE – OTTAWA PREMISES

From September 15th, 1978 to April 15th, 1979 the Law Society rented from the University of Ottawa, furniture for use in the Bar Admission Course premises at 1245 Kilborn Avenue, Ottawa. The rental for the seven months' period was $4,000. A copy of the invoice for such rental and a list of the furniture with monthly rental charges is before the Committee. The University of Ottawa has proposed that the Law Society should purchase the said furniture at a cost of $6,000 against which would be credited the rent of $4,000 leaving a net cost of $2,000. The University's letter dated April 5th, 1979 making such proposal was before the Committee.

The Committee recommended that the Society accept the offer of the University of Ottawa.

ARTICLING – SUBMISSION FROM OSGOODE HALL LAW SCHOOL ARTICLING COMMITTEE

A brief was received from the Osgoode Hall Law School Articling Committee on the matter of recruiting dates for articling students in Ontario. The said Articling Committee requested that The Law Society of Upper Canada support its proposals. The brief, together with a letter from the Articling Committee to the Secretary dated April 10th, 1979 and other supporting material was before the Committee.

The Committee recommended that the Law Society urge its members to refrain from interviewing or hiring articling students before 15th June in each year immediately preceding the students' entry into the third year of law school.

BAR ADMISSION COURSE – ARTICLING

Mr. Ed J. Brogden is a member of The Law Society of Upper Canada who practised in Ontario for four years until 1974 and in the Northwest Territories since January, 1975. He asked if a student serving him under articles in the Northwest Territories would be accepted by the Law Society as articling for the purposes of the Bar Admission Course. Mr. Brogden's letter dated April 3rd, 1979 addressed to the Treasurer was before the Committee.

Approved

BAR ADMISSION COURSE – APPEALS FROM FAILURE IN THE 20TH BAR ADMISSION COURSE

Appeals were made by five students who failed the 20th Bar Admission Course teaching term and who asked that they be granted certificates of successful completion. It was recommended that these petitions be referred to the sittings of the Legal Education Committee established to consider appeals from failure in the Bar Admission Course.

Stand. Dates for the special sittings of the Legal Education Committee to be set by the Chairman.

SPECIAL PETITIONS

The Committee considered eight petitions. Four petitioners requested permission to defer entry into the teaching term of the Bar Admission Course. One petitioner, who had already received a one-year deferment to accept an appointment as a legal writing instructor at a university, had been granted admission to an LL.M. programme at an American university and wished a further deferment to September, 1980. The second petitioner, who had accepted a position with the Department of External Affairs in the Canadian High Commission in Nairobi, Kenya, and the third petitioner, who wished to prepare to qualify for the 1980 Summer Olympics in Moscow, requested deferments to September, 1980. The Committee approved these three petitions. The fourth petitioner wished to qualify for call for the Bar in England and requested a deferment while doing so. The Committee recommended that a deferment be granted for one year.

The other four petitioners sought relief with respect to the articling requirement of the Bar Admission Course. One petitioner, who commenced service under articles with his current principal on October 16th, 1978 and arranged to continue such service until August 3rd, 1979, had previously commenced service on August 14th, 1978 with another solicitor and had worked with that solicitor and a second solicitor until October 10th, 1978, although no documents respecting the earlier period had been filed. The Director recommended that the petitioner's service under articles with his current principal be accepted as service in full of the articling requirement and the Committee approved this recommendation.

The second petitioner, having received a graduate degree in July, 1978 from the Universite de Paris I (Pantheon-Sorbonne) and having registered a doctoral thesis in private international law with Professor Paul Legard in Paris, was granted a Canada Council award to work on a doctoral thesis. The petitioner requested permission to serve under articles from August 28th, 1978 to May 15th, 1979, take twelve months' leave of absence to accept the Canada Council award and then serve under articles from May 15th, 1980 to August 28th, 1980, such service under articles to be accepted in full of the articling requirement. The petitioner's principal agreed to these arrangements. The Committee approved this petition.

The third petitioner, who had obtained an LL.B. degree from the University of Toronto in 1972 and subsequently became an officer of the Ontario Municipal Board, proposed to apply for admission to the Bar Admission Course and asked to be exempted from the articling requirement. The Committee recommended that the petitioner be permitted to enter the teaching term of the Bar Admission Course after completion of service under articles for a period of two consecutive months.

The fourth petitioner, who had received an LL.B. degree from the University of Western Ontario in 1978 and commenced service under articles on July 24th, 1978, but had not filed an application for admission to the Bar Admission Course and articles of clerkship, submitted the required documents together with the admission fee and the late filing fee and asked to be admitted as a student member of the Society and that service under articles be deemed to have commenced on July 24th, 1978. The Committee approved the petition.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the ten month period from 1st July, 1978 to 30th April, 1979, and reviewed a summary of Continuing Education programmes presented in April, 1979 and the Continuing Education publications report for the month of April, 1979.

THE REPORT WAS ADOPTED

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DISCIPLINE COMMITTEE (Continued)

GENERAL

Mr. G. H. Lochead, Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 10th May, 1979.

The following members were present: Messrs. Lochead (Chairman), Carnwath (Vice-Chairman), Cass, Chappell, Cooper, Furlong, Ruby, Mrs. Sutherland and Mr. Willoughby.

COMPENSATION FUND LIMITS

At the January 1972 Convocation, the discretionary limits on payments out of the Compensation Fund were increased. The limit on payments to individual applicants went from $15,000 to $25,000. The limit to be paid out in connection with each defaulting solicitor was increased from $50,000 to $150,000.

In the intervening years there have been three defalcations where the total of the proven losses exceeded $150,000. In each instance that discretionary limit was exceeded, with the approval of Convocation. There have been a number of applicants in these and other defalcations with proven claims over $25,000. However only three, again with Convocation's approval, have received awards in excess of that limit. Their claims all arose out of one lawyer's practice.

After careful consideration the Committee concluded that both limits should be raised. Through inflation the dollar is worth less than it was seven years ago. Therefore the value of the actual awards has decreased. Because of the overall limit there has been a reluctance to bring claims before a Referee until it is quite clear all have been received in a particular defalcation, so that it will be known whether pro-rating will be an issue. As a result there have been substantial delays with otherwise successful applicants not receiving financial assistance for some time. In some cases the goodwill that would normally be developed has been largely lost. A higher overall limit will permit a greater number of claims to be processed at an earlier date.

The Committee recommended that the individual limit be increased to $50,000 and the overall limit to $500,000. It was further recommended that the new limits apply to those situations involving money entrusted to solicitors on or after June 1st 1979.

A summary showing what these increased limits would have cost for 1976, 1977 and 1978, as well as projecting the costs both for the balance of this fiscal year ending June 30th and the 1980 fiscal year was before the Committee and Convocation.

It was moved, seconded and *lost* that the individual limit of $25,000 be retained, subject still to the discretion to exceed the limit in appropriate cases.

THE REPORT WAS ADOPTED

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ESTATE OF J. F. R. DOUGLAS, Q.C.

Mr. Lochead informed Convocation that Mr. Richard Storrey, counsel for the estate of J. F. R. Douglas, Q.C., deceased, brought an application before The Honourable Madam Justice Boland in the Supreme Court of Ontario on Tuesday, 1st May, 1979, for payment to the personal representative of the estate of a sum of money in a trust account in the deceased member's name. Mr. S. E. Traviss appeared for the Society on the said application.

Madam Justice Boland by Order dated 1st May, 1979, "ordered that the sum of $21,737.40 presently standing in a trust account of the late J. F. R. Douglas, Q.C. be and the same shall hereby be paid out to the personal representative of the estate to be distributed in accordance with the provisions of the will of the testator."

It was moved, seconded and *carried* that in accordance with subsection 11 of Section 18 of the Regulation passed under The Law Society Act and in view of the Order of The Honourable Madam Justice Boland, Convocation specifically authorize the sum of $21,737.40 presently standing in a trust account of the late J. F. R. Douglas, Q.C., to be withdrawn and paid out to the personal representative of the estate to be distributed in accordance with the provisions of the Will of the testator.

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COMPENSATION FUND SUMMARY

Mr. J. D. Carnwath, Vice-Chairman, presented the Compensation Fund Summary for the period ended 30th April, 1979.

COMPENSATION FUND

For the Period from 1st July, 1978 to 30th April, 1979

(10 months)

TOTAL RECEIPTS	$ 444,387.49
TOTAL DISBURSEMENTS	299,790.47
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 144,597.02
BALANCE OF FUND at beginning of period	$1,566,550.49
BALANCE OF FUND at end of period	$1,711,147.51
CLAIMS RECEIVED and in the course of being processed as of 30th April, 1979	$4,860,990.56

THE SUMMARY WAS RECEIVED

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COMPENSATION FUND REPORT

Mr. J. D. Carnwath presented the Report of the Discipline Committee of its meeting on Tuesday, 17th April, 1979, with respect to claims against the Compensation Fund arising out of the practice of *James H. Pearson* a disbarred lawyer.

The following members were present: Messrs. McWilliams (Chairman), R. J. Gray, H. Guthrie and Mrs. L. Legge.

The Committee carefully read the Report of the Referee, The Honourable John Aylesworth, Q.C., on the claims to the Compensation Fund arising out of the practice of James H. Pearson, a disbarred lawyer formerly practising in Richmond Hill. There were 45 claimants whose claims amounted to $764,201.93. The Referee held in abeyance making recommendations with respect to five claims because in each case litigation was pending. The total amount of these five claims is $246,000. The Referee will deal with these claims at a later date. The Referee completely disallowed four claims.

The Committee carefully reviewed these four claims and concurred with the Referee's recommendation that those claims be disallowed.

The Committee found that there were, in addition to the four disallowed claims, another four claims totalling $54,260.76 which might be characterized as joint ventures with the solicitor. The Committee recommended that the joint venture claims be disallowed because the claimants were in most instances of superior education, often well versed in business matters, and had previously invested money through the former solicitor. The Referee found that Pearson acquired a reputation of conducting a practice in mortgage or land investments for clients, and as a result, claimants sought him out or were induced by him to invest their money in such investments.

The Committee considered the matter of the discretionary limits per individual claimant of $25,000 and per individual solicitor of $150,000. There was only one claim in excess of $25,000 and that was the joint claim of Albert F. and Marilyn M. Farrell. The Referee recommended that the joint claim be treated as two claims in the total amount of $49,375.98. The Referee recommended that Mr. Farrell be allowed one half of that amount or $24,687.99 and Mrs. Farrell one half or $24,687.99. The Referee's reason for treating the claims this way is based on the evidence of hardship which was presented at the hearing. To quote the Referee – "if, on the other hand, the claims were to be considered as one claim, I would have no hesitation, on the grounds of amply proven hardship, strongly to recommend that the $25,000 limit be exceeded in this case and claimants be paid in full." The Committee concurred in this finding by the Referee. Of all of the claims held in abeyance, four exceed the $25,000 limit.

The Referee recommended that the discretionary limit of $150,000 be exceeded in this case. His reason for this conclusion is that it would be inequitable to pro-rate all of the allowed claims within the $150,000 limit. This is even more important when one considers that this is an interim report and there are still five claims totalling $246,000 which are held in abeyance.

The Committee considered the fact that since the present discretionary limits were established in 1972, there have only been three individual claimants who have received in excess of the discretionary limit of $25,000 and since 1972 there have only been three cases where the aggregate paid out was in excess of the discretionary $150,000 limit.

The Committee was concerned that a number of the claims to the Compensation Fund arose as a result of the solicitor lending money as a mortgage broker and felt that the Society should have some way of limiting or restricting defalcations of this nature.

The Committee therefore recommended the approval of the Referee's Report subject to the changes mentioned above and recommended to Convocation that the amount of $329,808.41 be paid out of the Compensation Fund.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE–
Mr. N. MacL. Rogers

Mr. G. H. T. Farquharson, Vice-Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 10th May, 1979.

The following members were present: Messrs. N. MacL. Rogers (Chairman), Chappell, Farquharson, Mrs. Tait, Willoughby and Miss A. R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

The following donations of books were received in the Great Library:

George E. Wallace, Q.C. North Bay	A number of loose parts of the *Canada Law Reports* 1969 and *The Ontario Reports,* 1965 and 1966
C. I. Scott, Q.C. Toronto,	3 bound volumes of *The Criminal Law Quarterly* being vols. 7–9 inclusive.

Noted

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

COUNTY AND DISTRICT LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1978. The amounts of the grants to which they appear to be entitled under the Regulation in 1979 and the amounts received in 1978 are as follows:

	1978	*1979*
Grey	$2,000	$2,000
Kent	2,000	2,000
Lambton	2,000	2,000
Lanark	1,250	1,390
Leeds & Grenville	1,320	1,390
Middlesex	2,000	2,000
Muskoka	1,285	1,320
Peterborough	2,000	2,000
Prescott & Russell	795	865
Sudbury	2,000	2,000
Wellington	2,000	2,000

Approved subject to the approval of the Finance Committee.

STATUTORY ORDERS AND REGULATIONS, CONSOLIDATION, 1970

The Chief Librarian reported that the Department of Justice will provide one free copy of the Federal Statutory Orders and Regulations, Consolidation, 1970, along with free subscriptions to the Canada Gazette, Part II, to each of the County and District Law Libraries.

Noted

REPORTING

ONTARIO REPORTS

The Secretary reported that the suggested changes in the draft contract with Canada Law Book Limited to print the Ontario Reports have been referred to J. F. Howard, Q.C., Counsel for the Law Society, for his consideration.

Noted

THE REPORT WAS ADOPTED

....

ADMISSIONS COMMITTEE (Continued)

Mr. J. D. Ground, Chairman, presented the balance of the Report of the Admissions Committee of its meeting on Thursday, 10th May, 1979.

The following members were present: Mr. J. D. Ground (Chairman), Mrs. Legge (Vice-Chairman), Messrs. Brulé, Cass, R. J. Gray, Pepper, and Mrs. Sutherland.

ADMISSION OF STUDENTS-AT-LAW

Bar Admission Course

Three candidates having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 21st Bar Admission Course as of 1st September, 1978.

Approved

DIRECT TRANSFER

The Committee considered two applications to transfer to practise in Ontario by lawyers from other common law provinces. One applicant, a member of the Saskatchewan Bar who had subsequently been called to the Bars of Manitoba and Alberta, sought permission to proceed under Regulation 4(1) and the other applicant, a member of the British Columbia Bar, sought permission to proceed under Regulation 4(1) and 3(1). Both applications were approved.

DIRECT TRANSFER FROM QUEBEC

The Committee had before it an application from a member of the Quebec Bar who had practised in that province from June 1975 to December 1976. Thereafter the applicant was unable to work because of a two-year illness resulting from an accident but has recovered and wishes to transfer to practise in Ontario. The applicant requested the Committee to give special consideration in this case and grant permission to proceed under Regulation 4(2), and submitted correspondence in support of the application.

The Committee recommended that the applicant be advised that she is not qualified to proceed under Regulation 4(2).

COMMON LAW EXAMINATIONS

A member of the Quebec Bar who was called in 1964 and practised continuously in that province from that time to the present, and who will apply to transfer to the practice of law in Ontario in June, 1979, requested permission to write the comprehensive examination on the common law at the beginning of June, subject to his application to transfer being approved.

The Committee recommended approval subject to his application to transfer being approved.

OCCASIONAL APPEARANCE

Roy Albert Gallagher, Q.C., a member of the Bar in Manitoba who practises in Winnipeg, was called to the Bar in Ontario for an Occasional Appearance on 17th February 1978 for the purpose of defending a police officer of the Kenora Police Department. He resigned on 15th May 1978 when that proceeding was concluded. He has been asked to defend two further police officers of the Kenora Police Department and enquired if he may be granted permission for a further call to the Bar under Regulation 10 to act in the case of *Regina v. Curtis and Hunt.* His letter was before the Committee and he presented a Certificate of Good Standing.

The Committee recommended he be advised his application is denied.

REPORT OF THE EXAMINING BOARD

The report of the examinations held in May 1979 was before the Committee. Seven candidates sat the examination.

Five candidates passed; two failed.

Approved

PETITION

The Committee considered and approved one petition of a routine nature.

EXAMINATIONS

The Committee was asked to consider whether a time limit, and if so, what time limit should be set between the date of approval of an application to transfer and the writing of the examination required under the relevant regulation.

The Committee recommended that an applicant proceeding under Regulation 4 must write the prescribed examinations within eighteen months of the approval of the application by Convocation.

The Committee further recommended that applicants who fail on the first attempt and who are permitted to write a second time must write the next examination.

THE REPORT WAS ADOPTED

....

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:20 P.M.

....

CONVOCATION RESUMED AT 2:15 P.M.

....

PRESENT:

The Treasurer and Messrs. Arthurs, Barr, Bowlby, Brulé, Bynoe, Carnwath, Carthy, Cass, Catzman, Chadwick, Chilcott, Doran, Farquharson, Ferrier, Furlong, Genest, Ground, Henderson, Lamont, Mrs. Legge, Messrs. Lerner, Lochead, McWilliams, Ogilvie, Outerbridge, Pepper, Ruby, Scace, Shaffer, Shibley, Mrs. Tait, Messrs. Tobias, Wardlaw, White and Yachetti.

....

DISCIPLINE COMMITTEE (Continued)

Re: DOUGLAS KEITH ROBERTSON, Q.C., Toronto

Mr. G. H. Lochead, Chairman, placed the matter before Convocation.

Mr. Doran withdrew from Convocation, took no part in the discussion and did not vote.

The reporter was sworn.

The solicitor was not in attendance nor was he represented by counsel. Mr. Frank Marrocco appeared on behalf of the Society.

An affidavit of service, dated 27th April, 1979, by Brian Ross Fraser was filed in proof of service on the solicitor of the Decision of the Discipline Committee, dated 25th April, 1979.

It was moved and seconded that the Decision of the Discipline Committee, dated 25th April, 1979, wherein the solicitor was found guilty of professional misconduct be accepted.

Counsel and the reporter retired.

It was moved, seconded and *carried* that the reading of the Decision of the Discipline Committee be dispensed with.

The motion to accept the Decision was *carried.*

In its Decision, the Discipline Committee found the solicitor guilty of professional misconduct in that he had failed to file quarterly audited financial statements respecting his practice as required by Convocation when he was previously found guilty of professional misconduct, failed to produce records and other evidence to the Society's auditor, and breached his duty to a fellow lawyer by failing to reply to requests for information about an estate.

Counsel and the reporter returned.

Convocation was advised that the Discipline Committee recommended the penalty of disbarment.

Mr. Lochead advised Convocation that in March 1976 the solicitor had been found guilty of professional misconduct, reprimanded in Convocation and put on terms on the basis of undertakings given to Convocation.

Counsel and the reporter withdrew.

It was moved and seconded that Convocation by Order suspend the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

It was moved and seconded that Convocation by Order suspend the solicitor for a period of ten years or until he files the documents referred to in paragraphs 2(a), (b), (c) and (d) of the Complaint as set out in the Decision, whichever occurs first, provided that in any event the suspension shall not be terminated until two years from 18th May, 1979.

It was moved and seconded that Convocation suspend the solicitor for a period of three years.

The second and third motions were *withdrawn.*

The motion to disbar was *carried.*

Counsel and the reporter returned.

Counsel was advised of Convocation's action.

Counsel and the reporter retired.

....

LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on Friday, 11th May, 1979.

The following members were present: John D. Bowlby, Q.C., Chairman, and Messrs. Barnes, Chadwick, Ferrier, Mrs. Fleming, Mrs. Jarmain, Messrs. Ogilvie, Nixon, Shaffer, Mrs. Smythe and Mrs. Tait.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95(2), for the twelve month period ended March 31, 1979, shows that payments from the Legal Aid Fund exceeded budget by $1,895,000 as follows:

Over Budget	$	$
Duty Counsel payments	120,000	
Criminal certificate accounts	1,377,000	
Civil certificate accounts	720,000	2,217,000
Under Budget		
Legal Advice certificate accounts	71,000	
Salaried Duty Counsel project	7,000	
Area Office costs	70,000	
Provincial Office costs	174,000	322,000
Net payments over budget		1,895,000

Payments in excess of budget were financed as follows:

Income received in excess of budget	$	$
Treasurer of Ontario	750,000	
Law Foundation	521,000	
Client contributions	239,000	
Costs recovered	199,000	
Miscellaneous income	28,000	1,737,000
Surplus at beginning of year		76,000
Deficit at year-end		82,000
		1,895,000

Analysis of overpayment on Civil certificate accounts

	Budget	*Spent*	*Over budget*
	$	$	$
Divorce	3,381,000	3,579,000	198,000
Other Domestic	3,111,000	3,497,000	386,000
Other Civil	1,690,000	1,826,000	136,000
	8,182,000	8,902,000	720,000

As at March 31, 1979, the Fund was overdrawn in the amount of $82,000.

Accounts receivable past due more than 90 days

	At Mar. 31, 1979	*Last month*	*Last year*
Value	$1,801,300	$1,766,400	$1,581,800
% of total receivables	61.0	62.9	58.5

Statistics

The following table compares reported activity for this fiscal year with the activity in the previous fiscal year:

	12 months ended Mar. 31, 1979	*12 months ended Mar. 31, 1978*	*% Change from last year*
Informal applications	114,388	97,367	+ 17.5
Applications for certificates	111,539	105,118	+ 6.1
Refusals	35,205	34,524	+ 2.0
As a percentage of applications	31.6	32.8	
Certificates issued	80,742	76,730	+ 5.2
Persons assisted by Duty Counsel:			
Fee for service	149,990	148,576	
Salaried Duty Counsel	34,422	27,340	
Total	184,412	175,916	+ 4.8

The following is an analysis of assistance provided to persons who contacted area offices across the province. This analysis excludes the activity of duty counsel.

	12 months ended Mar. 31, 1979		*12 months ended Mar. 31, 1978*	
	No.	%	No.	%
Total persons seeking assistance (Informal and formal applications)	225,927	100.0	202,485	100.0

	12 months ended Mar. 31, 1979		*12 months ended Mar. 31, 1978*	
	No.	%	No.	%
Advice and referral (Informal applications)	114,388	50.7	97,367	48.1
Certificates issued	80,742	35.7	76,730	37.9
Unassisted persons	30,797	13.6	28,388	14.0
	225,927	100.0	202,485	100.0

Write-Offs

George E. Wallace, Vice-Chairman, approved the write-offs of the following total of amounts due to the Legal Aid Fund: $20,519.34.

Annual Report of the Director

The Annual Report of the Director for the year ended March 31st, 1979 pursuant to Section 96 of the Regulation, was approved by the Committee.

A copy of the Annual Report was before the Committee and Convocation.

REPORT OF LEGAL ACCOUNTS OFFICER

Activity

	1979/80 Fiscal Year		*1978/79 Fiscal Year*	
	Month of April 1979	*1 Month to April 1979*	*Month of April 1978*	*1 Month to April 1978*
Accounts on hand at beginning	7273	7273	6016	6016
Accounts received	5574	5574	5680	5680
Total Accounts to be processed	12847	12847	11696	11696
Less: Files Cancelled	32	32	29	29
Accounts Processed	5103	5103	4705	4705
Balance	7712	7712	6962	6962

In addition to the number of accounts for services completed there were:

Interim Accounts	245	245	238	238
Supplementary Accounts	253	253	283	283
Total	498	498	521	521

Reviews

	April 1979	*1 Month to April 30/79*	*1 Month to April 30/78*
Reviews on hand	159		
Reviews received in	160	160	76
	319		
Settlements reviewed in	55	55	249
Settlements awaiting further information	–		
Settlements awaiting review at end of	264		
	319		

Appeals

	February	*March*	*April*
Appeals to Taxing Master received during	–	1	–
Appeals heard by Taxing Master	–	–	–
Appeals pending at the end of the month	5	6	6
Appeals abandoned	3	–	–

RENEWAL OF IBM CANADA LTD. DATA PROCESSING CONTRACT

The Legal Aid Plan's contract with IBM for the supply of remote job-processing services expires on May 31, 1979.

This contract provides for the supply of computer time, quality control and the printing of solicitors' cheques and certain statistical reports.

The cost of these services in the last twelve-month period amounted to approximately $23,000. In the next twelve months it is anticipated that this cost will increase to $26,000 arising from a combination of higher unit prices quoted by IBM and increased volume resulting from additional programmes which the Plan is introducing.

The Committee approved renewal of the Plan's contract with IBM Canada Ltd. for a one year period.

DIRECTOR OF RESEARCH

In January Convocation approved the hiring of a Director of Research to establish a central research bank to be located in the Provincial Director's office to collect, collate and up-date research performed under a Legal Aid certificate.

A sub-committee consisting of Lee K. Ferrier, Q.C., the Provincial Director, and Sidney B. Linden, Q.C. were appointed as a "selection committee" to consider the applications made in reply to an advertisement in the Ontario Reports for a Research Director.

The sub-committee received over 40 applications for the position and had great difficulty in making a decision in view of the number of highly qualified applicants.

The Legal Aid Committee approved the sub-committee's recommendation that *Kenneth Chasse,* solicitor, a member of The Law Society of Upper Canada, and the Bar in British Columbia, be appointed to the position.

Mr. Chasse is presently a Crown Counsel in the Regional Crown Counsel's Office, Vancouver, British Columbia. He is also editor-in-chief, Criminal Reports, Third Series and New Series; Chairman, Federal/Provincial Task Force on Uniform Rules of Evidence, Uniform Law Conference of Canada; Editor, Ontario Crown Attorney's Association's Crown's Newsletter; and has published a number of articles and annotations written on criminal and evidence subjects. He has given papers at and organized over 50 conferences and seminars for judges and lawyers across Canada. He has lectured extensively at the University of British Columbia, Simon Fraser Uniiversity, University of Ottawa and Osgoode Hall Law School.

Mr. Chasse will commence employment on July 1st, 1979.

STAFF APPOINTMENT

The Legal Aid Committee approved the appointment of

Harold J. Levy, solicitor, to assist in the development of various pilot projects authorized by the Law Society and designed to provide support facilities to the criminal defence bar. In addition, Mr. Levy will assist Mr. Kenneth Chasse in the establishment of the research facility.

Mr. Levy is bilingual and is editor of The Criminal Lawyers' Association Newsletter; executive editor of Canadian Lawyer magazine; contributing editor of the "Justice Column", MacLean's magazine. Mr. Levy has published a number of articles written on criminal law.

AREA DIRECTOR – APPOINTMENT

Richard J. Huneault, Area Director, Manitoulin and Sudbury District, was appointed an Essex County Court Judge. The Manitoulin and Sudbury District Area Committee with assistance from the Manitoulin and Sudbury District Law Association, unanimously recommended *Neil J. Campbell,* solicitor, as Area Director to replace His Honour Judge Huneault.

Mr. Campbell is bilingual. He practises with the firm of Paquette, Campbell & Lalande and is also a member of the Manitoba Bar.

The Legal Aid Committee approved the appointment.

CRIMINAL LEGAL AID PANELS – YORK COUNTY

In February Convocation approved a pilot project in Metropolitan Toronto (the Legal Aid Committee now wishes the pilot project extended to York County), to enable a legally aided accused to choose from a list of lawyers identified by the Society as being competent to handle serious criminal cases.

A certificate is presently being prepared by the York County Area Director in discussion with the Joint Committee under the Chairmanship of Lee K. Ferrier, Q.C. However, the Joint Committee determined that an amendment to Section 28 of the Regulation was required in order to authorize the pilot project.

The present Section 28 reads as follows:

> "The name of every solicitor who has applied pursuant to

sections 25 and 26 shall be entered by the area director on the appropriate panel lists."

R.R.O. 1970, Reg. 557,s.28.

The Legal Aid Committee approved an amendment adding Sections 28a, 28b and 28c to Section 28 of the Regulation. The proposed amendment was before Convocation.

It was moved in Convocation, seconded and *carried* that in the proposed amendment the word "practice", followed by a comma, be inserted before the word "training" in subsection (1) and subsection (2) of Section 28a and in subsection (1) of Section 28b.

The proposed amendment as further amended by Convocation is as follows:

28*a*. – (1) The Law Society may establish standards of professional practice, training and experience for entry to and retention on any panel or subdivision of a panel or any class within any panel or subdivision of a panel.

(2) The Area Director shall not enter or retain the name of a solicitor on a panel or a subdivision of a panel or in any class within any panel or subdivision of a panel unless his professional practice, training and experience meet the standard established by the Law Society for the panel or subdivision.

(3) Subsections 1 and 2 apply notwithstanding section 28.

28*b*. – (1) Where an area director proposes to remove the name of a solicitor from a panel or a subdivision of a panel or from a class within a panel or subdivision of a panel for failure to meet the standards of professional practice, training and experience established by the Law Society for retention on the panel or subdivision, the area director must give notice to the solicitor of the proposal, together with written reasons for the proposal.

(2) A notice under subsection 1 must state that the solicitor is entitled to a hearing by the Director if he gives notice in writing requiring the hearing to the Director and to the area director within fifteen days of receipt of the notice under subsection 1, and a solicitor may so require such a hearing.

(3) Where the solicitor does not require a hearing in accordance

with subsection 2 or does not attend at the time appointed for the hearing, the area director may carry out the proposal.

(4) Where the solicitor requires a hearing in accordance with subsection 2, the Director shall appoint a time for and hold the hearing.

(5) The Director may extend the time for the giving of notice by a solicitor requiring a hearing, either before or after the expiration of the time, where the Director is satisfied that there are reasonable grounds for applying for the extension, and the Director may give such directions as he considers proper consequent upon the extension.

(6) The area director and the solicitor and such other persons as the Director may specify are parties to the hearing.

(7) A party to the hearing shall be afforded an opportunity to examine before the hearing any written or documentary material or any report the contents of which will be given in evidence at the hearing.

(8) After a hearing under this section, the Director may direct the area director to take such action as the Director considers the area director should take in accordance with the Act and the regulations.

28*c*. – (1) With leave of the Legal Aid Committee, any party to proceedings before the Director under section 28*b* may appeal from the decision of the Director to the Legal Aid Committee.

(2) The Legal Aid Committee may affirm or may rescind the decision of the Director, may exercise the power of the Director to direct the area director to take action and for such purposes may substitute its opinion for that of the Director, or may refer the matter back to the Director for rehearing, in whole or in part, in accordance with such directions as the Committee considers proper.

CLINICAL FUNDING COMMITTEE

(a) Resignations

On April 11, 1979, the Chairman received a letter from James B. Chadwick, Q.C., and Lee K. Ferrier, Q.C., tendering their resignations as members of the Clinical Funding Committee.

Messrs. Chadwick and Ferrier advised the Legal Aid Committee that they would remain as members until the appointment of their successors as provided for under the new Clinical Funding Regulation. The Committee wished the contribution made by Messrs. Chadwick, Ferrier and Graham Scott, Deputy Minister of The Ministry of the Environment, noted. The three members of the Clinical Funding Committee were appointed in 1976 to deal formally with all applications presented to the Committee for the funding of community clinics.

(b) Clinical Funding Committee's Report

On May 8, 1979, the Clinical Funding Committee submitted a Report to the Director recommending to the Director, and subject to the approval of Convocation, funding for various projects.

The Director recommended to Convocation that the Report of the Clinical Funding Committee of May 8, 1979 be adopted.

The following is a summary of the applications considered subsequent to the report to Convocation, dated 11th April, 1979, and the amounts of funding recommended for the fiscal year 1st April, 1979 to 31st March 1980:

	Applicant	*Amount**
1.	Centre for Spanish Speaking Peoples, Toronto	$34,382
2.	Community Legal Services, Welland (Funding from April 1 to October 31, 1979 only)	18,754
3.	COSTI, Toronto	9,000
4.	Preventive Law Program, University of Ottawa, Ottawa	9,000
5.	Rural Legal Services, Faculty of Law, Queen's University, Kingston	39,733

6.	Strathcona Community Centre, Hamilton	69,360

*All recommended amounts are subject to the Attorney General's approval of designated funding in the appropriate amounts for clinics for 1979/80.

AREA COMMITTEES

APPOINTMENTS

Section 4(1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended the following be appointed as members of the Area Committees in:

Algoma District

Richard DeLorenzi, Solicitor, Sault Ste. Marie.

Welland County

Mrs. Moyra P. Campion, housewife, Welland, Ontario.

RESIGNATIONS

Welland County

Mrs. Beryl Morgan, housewife, Port Colborne.

THE REPORT AS AMENDED WAS ADOPTED

. . . .

PROFESSIONAL CONDUCT COMMITTEE–Mr. Cooper

Mr. I. W. Outerbridge presented the Report of the Professional Conduct Committee of its meeting on Thursday, 10th May, 1979.

The following members were present: Messrs. Cooper (Chairman), Chappell (Vice-Chairman), Orkin (Vice-Chairman), Lochead, McWilliams, Outerbridge and Mrs. Sutherland.

1. The Committee had before it a letter enquiring as to the propriety of a proposed arrangement between a bank and a

lawyer. The information supplied is as follows:

> "A lawyer has maintained his trust bank account in bank A for some eleven years and has been a solicitor for bank A. The lawyer is being sued on a personal guarantee by a branch of Bank B located in the City of Toronto. Bank B also has a local branch in the town where the lawyer practises. The lawyer has never acted as solicitor for the local branch of Bank B.
>
> The local branch of Bank B has now offered to lend the lawyer sufficient monies to meet his liability on the personal guarantee and this personal loan from the local branch of Bank B is to be forgiven by the local branch of Bank B over a number of years, being an annual retainer to the lawyer. In return, the lawyer would transfer his trust account from Bank A to the local branch of Bank B."

The Committee was of the opinion that there is nothing improper in the lawyer entering into the proposed arrangement with Bank B.

2. The President of a local law association asked on behalf of the association's members whether it should be mandatory that certified cheques be accepted with respect to real estate transactions and whether failing to do so would prevent a lawyer from making any claim under his Errors and Omissions coverage. He also asked is a solicitor who accepts a personal undertaking from another solicitor doing so at his peril? If there is a default on the undertaking does the first solicitor have recourse to his insurance coverage?

The Committee was of the view that these are wide-ranging questions of law and has therefore instructed the Secretary to obtain a legal opinion on them.

It was moved in Convocation, seconded and *carried* that this item be referred back to the Committee for further consideration and report.

3. A lawyer placed the following problem before the Committee. While he is in general practice he also holds a voluntary post of Vice-President in a Credit Union. Part of his function in that capacity is to review loans made to members of

the Credit Union. One review was in respect of a loan that the Credit Union had made to a gentlemen who happens to be a client of the lawyer under a Legal Aid Certificate. The financial position as disclosed by the statement submitted in support of the application for the loan indicates to the lawyer that the client is not or should not have been entitled to legal aid. The lawyer is of the opinion that as a solicitor he is duty bound to report such disentitlement to the Legal Aid Plan. He is also of the opinion that as an officer of a Credit Union he is duty bound not to disclose financial information with respect to a member received through such a position.

The Committee was of the opinion that the lawyer should advise his client as follows: The client should return the certificate to legal aid; if he does not the lawyer must withdraw from the case and would be obliged to advise legal aid of the changes in the client's financial circumstances.

4. A member of the profession advises that he and a colleague are associated in the practice of criminal law. Their offices are next to each other. They have separate letterheads and each maintain their own books and records. One of the matters that was considered when the relationship was formed was whether it would be proper to represent co-accused. As a result of this concern the two lawyers made informal enquiries of various prominent members of the Society as well as persons in authority at Legal Aid. They were advised that it would not be improper or inappropriate to represent co-accused provided that the co-accused were aware that the two lawyers were not partners and provided that no serious conflict of interest was apparent. Earlier this year the two lawyers appeared in Provincial Court each representing two brothers each charged with an assault causing bodily harm. When the counsel slips were presented to the court the judge called forward the two lawyers and the Crown Attorney. His Honour expressed concern that it would be improper for the two of them to represent the co-accused. The judge was advised that they had given the matter serious consideration and had made the enquiries referred to above and that they felt in this particular case the conflict was not likely to arise. His Honour nevertheless expressed the view that representation of the co-accused would be inappropriate. The two lawyers agreed to respect the judge's

suggestion in this matter but wished further direction from the Society.

The Committee was of the view that there would be nothing wrong as long as there would be no conflicting defences. If such were the case there might be an appearance of injustice and therefore the co-accused should not be represented by the two lawyers.

5. The Committee received a letter from a member who forwarded his business card and asked whether it was appropriate for his photograph to appear on the card. The Committee was of the opinion that the photograph should not be used and instructed the Secretary to so advise. When considering the matter it was noted that the lawyer's cable address was "Not Guilty". The Committee was of the view that the use of such an address could hold the administration of justice up to ridicule and therefore it should not be employed. The solicitor was advised of both these points. He then wrote again asking whether he was being ordered to change his cable address or was it merely an informal request. If it was an order the solicitor wished "the authority by which you act, the section under which you have acted under whatever applicable statute and provision,".

The Committee instructed the Secretary to reply to the solicitor referring him to the provisions of Rule 13 of the Rules of Professional Conduct and advising that in the Committee's opinion the cable address is a form of touting.

6. A member of the profession wrote to the Ministry of Consumer and Commercial Relations, to the attention of the Minister, a letter which stated that he, the lawyer, was acting for a purchaser in connection with the purchase of a recreational condominium unit being a ski chalet for a purchase price of approximately $60,000. The contract included a paragraph which read as follows:

> "Paragraph 12 – Cessation of Charge – The purchaser acknowledges that the condominium is encumbered by a mortgage or mortgages which are not to be assumed by the purchaser; the vendor shall not be obliged to obtain and register a partial discharge or discharges of such mortgage or mortgages, until 30 days after the date of closing."

The letter to the Minister goes on to say:

> "I have been directed by the vendor to make the purchase price, being approximately $60,000.00 in cash, payable to the solicitor for the vendor.
>
> The condominium unit being purchased is a recreational, seasonal residence and as such is not covered under the HUDAC Program. I have requisitioned the solicitors for the vendor to obtain and register a partial discharge of the mortgage in question. I have insisted on their personal undertaking, not their client's. They have replied that the purchaser is bound by the term in the contract to accept the vendor's undertaking and not the vendor's solicitor's undertaking to obtain a partial discharge of that mortgage, and then only thirty days after closing.
>
> I did not see this contract before my client executed it. It seems to me that this is an undesirable practice and that either legislation should be passed prohibiting the same or a new rule of professional conduct be passed not permitting solicitors for the vendor to receive the proceeds of the sale to evade their responsibility to make sure that the funds are applied in partial discharge of the mortgage which is registered against the property.
>
> In my view, it is only a matter of time before transactions such as this will cause an innocent solicitor for a purchaser to be sued by his client for failing to obtain a partial discharge of a mortgage such as this, even though the contract specifically thrust the responsibility on the shoulders of the purchaser himself.
>
> On the top of that, it seems to defeat the whole purpose of retaining a solicitor in the first place, whose duty normally is to make sure and certify that indeed the purchaser is obtaining a clear and good title. Even if the solicitor should take written instructions from his client confirming the provisions of this contract and confirming that the solicitor is relieved of his duty of ascertaining that good title is obtained, sooner or later some client who lands up paying twice for the same property is going to bring an action against his solicitor in any event. I think many judges would give him a sympathetic hearing knowing full well that the solicitor is insured against a catastrophe such as this.
>
> In my view, there is no reason why legislation could not be passed or the rule of professional conduct could not be passed whereby the responsibility of making sure that the funds are applied in partial payment of the mortgage is thrust upon the solicitor who receives the funds, not his client.
>
> I have come across this problem on many previous occasions, in all

> of which cases the purchaser put down a relatively nominal 10-15% down payment, and I knew that the unit mortgage would in effect partially discharge the preceding blanket mortgage. In this case, however, my client is paying cash and I am sure that there are others like him who have no certainty, or for that matter assurance, that indeed the funds will be used to clear the title of the unit they are purchasing.
>
> I draw this problem to your attention because from my experience during the last few years, it is a growing problem and it defeats the very purpose for which vendors and purchasers retain solicitors, i.e., to make sure that they obtain good title."

The Minister responded as follows:

> "My concern, however, goes beyond condominium transactions. The paragraph in the agreement of purchase and sale which you quote in your letter might also be found in agreements of purchase and sale for new homes on a plan of subdivision where the title is encumbered, on closing by blanket mortgages or other mortgages which are not to be assumed on closing.
>
> The clause was originally intended to facilitate the closings of new homes where title is encumbered by institutional mortgages. The standard practice of institutional mortgages is to provide discharges of mortgages well after receipt of the funds. The law, however, is quite clear that a discharge of mortgage must be available on closing, and if not, the purchaser may refuse to close.
>
> Because of the wider implications of the problem, I would agree with your second suggestion that it might be handled under the Rules of Professional Conduct of the Law Society."

The Minister then wrote a letter to the Society asking that this matter be referred to the Professional Conduct Committee and requested to be advised as to its conclusions. The member also wrote to the Society on this matter.

The Committee was of the opinion that this is not a matter for the Law Society but rather one of contract between parties in which a solicitor is helpless unless the legislature becomes involved.

THE REPORT AS AMENDED WAS ADOPTED

....

LEGISLATION AND RULES COMMITTEE–Mr. Furlong

The Report of the Legislation and Rules Committee of its meetings on Monday, 7th May, and Monday, 14th May, 1979, was on the agenda for Convocation.

Stand to the June Convocation.

……….

PRACTICE AND INSURANCE COMMITTEE–Mr. Kellock

Mr. I. W. Outerbridge, Vice-Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 10th May, 1979.

The following members were present: Messrs. Outerbridge, (Vice-Chairman in the Chair), Ogilvie and Mrs. Legge. Messrs. Hargraft and Maltman were present at the Chairman's request.

COVERAGE – COMMUNITY LEGAL SERVICES

A member employed by a Community Legal Service received a claim resulting from the failure of an employee of the Service to launch an appeal within the time limited.

The Committee recommended that the Society's Claims Manager continue to monitor the situation and bring forward a report to this Committee and if appropriate to the Legal Aid Committee as well if the situation appears to warrant it.

CLAIMS AGAINST MORE THAN ONE FIRM

A memorandum dated 21st March, 1979, was before the Committee. In the memorandum it is suggested that an arbitration clause be added to the Society's policy to provide that where the insurer and the insured do not agree with respect to the issue of settlement, the question could be put to binding arbitration. It is also suggested that where more than one firm is involved in a claim, the adjuster retain one solicitor to represent all of them and that so far as their respective deductible contributions are concerned, they be determined if necessary under a suitable arbitration clause in the policy.

The matter is being explored with Gestas by the Claims

Manager and the Adjuster and will be reported back to the Committee.

EXCESS COVERAGE

At present a number of members carry excess insurance with a variety of carriers. Unless the policies are specifically worded as excess one above the other, they will be treated as contributing insurance. Firms may be under the impression that they would provide double limits of coverage.

The question of the Society offering excess coverage to its members on a voluntary basis at preferred rates was before the Committee. A memorandum on the subject was before the Committee.

The Committee recommended that this matter stand pending a report from Mr. Norman.

REPEATERS

A list of repeaters from September 30th, 1978 to March 20th, 1979, was before the Committee.

Noted. The Chairman will discuss with Mr. Peter Norman the techniques which can be developed to reduce claims referring in particular to the program in Florida.

QUARTERLY REPORTS

Quarterly reports re Closed Claims at March 31st, 1979, for the 1977 Fund, the 1978 Fund and the 1979 Fund were before the Committee.

Noted

PROFESSIONAL ORGANIZATIONS COMMITTEE

A letter dated March 20th, 1979, from Mr. Outerbridge, referring to recommendations made by the Professional Organizations Committee in their Staff Study was before the Committee.

Noted

COUNSEL FEES

A list of the fees paid to Counsel during April, 1979, was before the Committee.

Noted

ADJUSTERS' FEES

Lists of the fees paid in April, 1979, to adjusters under the old Fund, under the 1977 Fund, under the 1978 Fund and the 1979 Fund were before the Committee.

Noted

MONTHLY REPORT

Mr. Hargraft's monthly report was before the Committee.

Noted

LOSS PREVENTION

A letter from T. A. Wright who practises in Kincardine was before the Committee. He urged that the provisions of Section 74 of the Income Tax Act as it relates to transfer of property on separation between spouses should be drawn to the profession's attention.

Noted

THE REPORT WAS ADOPTED

....

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. P. B. C. Pepper, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 10th May, 1979.

The following members were present: Messrs. Pepper (Chairman), Cass and Willoughby.

APPLICATIONS

The Committee considered two applications and recommended that a grant be made to one applicant and that the second application stand.

THE REPORT WAS ADOPTED

. . . .

SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA

Mrs. L. L. Legge, Chairman, presented the Report of the Special Committee on Muniments and Memorabilia of its meeting on Thursday, 10th May, 1979.

The following members were present: Mrs. L. Legge (Chairman), Mrs. R. Tait, Mr. N. Ogilvie and Mr. J. Honsberger (Curator).

OBJECTIVES OF THE COMMITTEE AND CRITERIA FOR ACQUISITION AND RETENTION OF MUNIMENTS AND MEMORABILIA

An examination of the records of the Committee indicated that there were not enunciated objectives and in particular there was not a policy respecting the acquisition of items for the collection.

The Curator, Mr. Honsberger, prepared a set of objectives of the Committee together with criteria respecting the acquisition and retention of items for the collection. The Committee recommended that these be adopted as follows:

(a) DRAFT OBJECTS

1. To supervise the care, custody, maintenance and exhibition of the Society's portrait collection.

2. To solicit, receive, acquire, hold, preserve and exhibit muniments and memorabilia relating to the Society, the members, the legal profession, and the practice of law.

3. To promote interest among the Society and the public in the history of the Society and the legal profession in Canada.

4. To conduct, encourage and promote legal historical research.

5. To maintain a museum and picture gallery.

6. To prepare and maintain catalogues and card lists of holdings.

7. To act as liaison with the Osgoode Society.

(b) TESTS TO APPLY TO THE ACQUISITION AND RETENTION OF MUNIMENTS AND MEMORABILIA

1. The object, picture, document etc. must have a present or potential historical value.

2. Duplications should be minimized.

3. The Committee should not become a depository of documents or objects of little or minimal historical value, e.g., old deeds, practicing certificates, vouchers, records, account books, etc.

4. The Committee within the limitations of its objects should seek out appropriate acquisitions and not simply sit back and wait for donations. This implies periodical advertisements indicating desired acquisitions.

GUIDE TO THE LAW SOCIETY'S MUNIMENTS AND MEMORABILIA COLLECTION

There is not extant a complete list of all the items in the Muniments and Memorabilia collection. The Chief Librarian is presently engaged in the task of listing all materials. When this task has been completed the Committee will decide what should be placed in the guide. It was thought advisable to await the completion of a comprehensive list before compiling a catalogue.

LIAISON WITH OSGOODE SOCIETY

On May 1st, 1979 the Osgoode Society received its charter. The Society's objectives are to study and promote public interest in the history of the law, the legal profession and the judiciary in the Province of Ontario and to undertake research for and the publication of articles and other writings on such subjects. It resembles in some respects the Champlain Society of Canada and the Selden Society in the United Kingdom. The Attorney General of Ontario and the Treasurer of the Law Society are to be ex officio members of this Society. The Committee thought it advisable to inform Convocation of the existence of the Osgoode Society and of its intention to liaise with this Society.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON UNCLAIMED TRUST FUNDS

Mr. J. D. Carnwath, Chairman, presented the Report of the Special Committee on Unclaimed Trust Funds of its meeting on Thursday, 22nd February, 1979.

The following members were present: Messrs. Carnwath (Chairman), N. MacL. Rogers, Seagram and Mrs. Legge.

The Committee was appointed as a result of the Policy Section of the Discipline Committee making the following recommendations to Convocation:

> "UNCLAIMED TRUST FUNDS
>
> The Society from time to time receives requests for assistance from lawyers who are holding trust funds on behalf of clients who the lawyers have unsuccessfully attempted to locate over a number of years. It is recommended that an amendment to the Regulation be sought to permit the Society to maintain an account into which these funds could be paid. It is further recommended that the interest on this account be paid to the Society to be applied against general administrative expenses."

This Committee recommended that:

1. certain requirements be determined whereby a lawyer can establish that he or she has made reasonable efforts to find a client and to pay to that party funds

that are being held by that lawyer in trust;

2. the Society take the necessary steps to establish a trust account into which a lawyer, having met these requirements and been unsuccessful in locating the client,can pay the unclaimed trust funds. Interest on the trust account would be paid to the Law Foundation in accordance with the present practice;
3. appropriate amendments be obtained to the Law Society Act whereby the lawyer paying over the funds would cease to be a trustee, the Society assuming that role;
4. guidelines be developed to assist in determining whether an applicant for payment out of the Society's account is the appropriate payee.

THE REPORT WAS RECEIVED

Convocation directed that the Report be transmitted to the Legislation and Rules Committee.

....

UNAUTHORIZED PRACTICE COMMITTEE–Mr. White

Mr. J. G. M. White, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 10th May, 1979.

The following members were present: Messrs. White (Chairman), Chadwick, Furlong, Mrs. Legge, Messrs. McWilliams and Tobias.

1. Two accounts of counsel and five accounts of the Society's investigator were approved for payment in the total amount of $1,242.65.

2. The Secretary reported that he had received a report from the Society's investigator concerning a conciliation and counselling service in Hamilton. The Secretary was instructed to write to the complaining solicitor and state that on the material

before the Committee there appeared to be insufficient evidence of unauthorized practice contrary to Section 50 of The Law Society Act.

3. The Secretary reported that a letter was received complaining that a corporation had held itself out as a solicitor by offering to give legal advice. The Secretary was instructed to send a copy of the advertisement to counsel to investigate to see whether there was sufficient evidence of legal advice given by or on behalf of the corporation contrary to Section 50 of The Law Society Act.

4. The Secretary reported that a letter was received complaining that an individual was holding himself out as a solicitor in a conveyancing matter. The Secretary was instructed to refer this matter to counsel for a prosecution.

5. The Secretary reported that a letter was received complaining than an individual was holding himself out as a solicitor in a conveyancing matter. The Secretary was instructed to find out from the complaining solicitor the date of the alleged offence and to place the matter on the agenda of the Committee at its next meeting.

THE REPORT WAS RECEIVED

....

CONVOCATION ROSE AT 4:30 P.M.

....

Read in Convocation and confirmed 15th June, 1979.

G. D. FINLAYSON

Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 15th June,1979
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson after his election) and Messrs. Affleck, Arthurs, Barr, Bowlby, Brulé, Bynoe, Carnwath, Carter, Cass, Catzman, Chadwick, Chilcott, Cooper, Doran, Farquharson, Ferrier, Furlong, Goodman, Gray, Ground, Lamont, Lerner, Levinter, Noble, O'Brien, Ogilvie, Pepper, Ruby, Scace, Shaffer, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wardlaw, White, Willoughby and Yachetti.

....

APPOINTMENT OF CHAIRMAN

Mr. Brendan O'Brien was appointed Chairman.

....

ELECTION OF TREASURER

The Secretary reported that he had received one nomination for the office of Treasurer for the ensuing year. Mr. *G. D. Finlayson,* Toronto, was nominated by Mr. D. G. Humphrey, seconded by Mr. A. M. Cooper, and had consented to the nomination.

It was moved, seconded and unanimously *carried* that *Mr. G. D. Finlayson* be elected Treasurer for the ensuing year.

On his election to the office of Treasurer for a second term Mr. Finlayson took the chair and addressed the Bench.

....

MINUTES

The Minutes of Special Convocation of 9th May, 1979 and of Convocation of 18th May, 1979 were read and confirmed.

....

BENCHER EX OFFICIO
NATHAN STRAUSS, Q.C.

The Treasurer referred to the relevant sections of The Law Society Act and announced that Mr. Nathan Strauss of Toronto qualified as a Bencher ex officio effective 18th May, 1979. Mr. Strauss exercised his option to become a Bencher ex officio on 9th May, 1979. He first became a Bencher in 1962 and was re-elected in 1966, 1971 and 1975.

....

APPOINTED BENCHERS

The Treasurer informed Convocation that by Order-in-Council (O.C. 1460/79), signed by Her Honour the Lieutenant Governor on 23rd May, 1979, Mr. J. D. Carrier, Mr. Noel Ogilvie, Mrs. Roseanne Sutherland and Mrs. Reginae M. Tait were designated appointed Benchers pursuant to Section 23a(1) of The Law Society Act. Mr. Carrier's previous term of office was extended from 18th May, 1979, to 17th August, 1979, to permit him to complete an assignment initiated prior to 18th May. Mr. Ogilvie, Mrs. Sutherland and Mrs. Tait were reappointed for a full term of office effective 18th May, 1979 and continuing until the benchers elected in the year 1983 take office.

....

APPOINTMENT OF AUDITORS

It was moved, seconded and *carried* that Messrs. *Clarkson, Gordon & Company* be appointed the Auditors of the Society for the period of one year from 1st July, 1979.

....

CANADIAN BAR ASSOCIATION APPOINTMENT OF REPRESENTATIVES

It was moved, seconded and *carried* that the *Treasurer* and Mr. *R. W. Cass* be appointed the Society's representatives on the Council of the Canadian Bar Association to take office at the end of the Annual Meeting of the Association in 1979.

....

FEDERATION OF LAW SOCIETIES OF CANADA APPOINTMENT OF REPRESENTATIVES

It was moved, seconded and *carried* that the *Treasurer* and the *Secretary* of the Society be appointed the Society's representatives to the Federation of Law Societies of Canada.

....

RULES COMMITTEE, S.C.O. APPOINTMENT OF REPRESENTATIVES

It was moved, seconded and *carried* that Mr. *A. B. Doran* be appointed one of the Society's representatives on the Rules Committee, S.C.O., to replace Mr. B. H. Kellock for the balance of the three year term commencing 1st July, 1977.

....

NATIONAL COUNCIL ON THE ADMINISTRATION OF JUSTICE IN CANADA APPOINTMENT OF REPRESENTATIVE

It was moved, seconded and *carried* that Mr. *G. F. Henderson* be appointed the Society's representative to the National Council on the Administration of Justice in Canada.

....

CANADIAN NATIONAL EXHIBITION ASSOCIATION APPOINTMENT OF REPRESENTATIVE

Mr. *W. B. Common* has been the Society's representative to the Canadian National Exhibition Association since 1971 when the Society was first asked to appoint a representative. Mr. Common was appointed for the year 1979 by Convocation on 19th January, 1979. He has found it necessary to resign his appointment for personal reasons.

Convocation considered the matter of continuing such representation and decided that no appointment would be made at this time.

Convocation recorded its appreciation of Mr. Common's work as its representative to this Association for the past eight and a half years.

....

REPORT OF THE TREASURER RESPECTING CONSTITUTION OF STANDING COMMITTEES 1979–80 ELECTION OF CHAIRMEN AND VICE–CHAIRMEN

The Treasurer presented the Report dated 15th June, 1979, of his meeting with the Chairmen and Vice-Chairmen of Standing Committees as constituted following the Benchers Election and as proposed for the ensuing year, including a report of the election of Chairmen and Vice-Chairmen by nine of the Society's Standing Committees on Thursday, 7th June, 1979.

The meeting was held on Wednesday, 6th June, 1979, at 4:00 p.m., the following being present: The Treasurer (Chairman) and Messrs. Brulé, Carnwath, Carthy, Catzman, Chilcott, Farquharson, Ferrier, Genest, Ground, Mrs. Legge, Messrs. Ogilvie and Pepper.

1. They recommended the constitution of the Standing Committees for the ensuing year. Nine of these Committees as so constituted met on the regular monthly meeting day for June, 1979, namely, Thursday, 7th June, and in each case the first item of business was the election of a Chairman and a Vice-Chairman or Vice-Chairmen.

2. Subsequently the Treasurer received a small number of requests from proposed members for changes and after consultation with other members of the Committees affected by such requests gave his approval.

3. The constitution of the Standing Committees for the ensuing year as so recommended is as follows:

1. FINANCE: Brulé, Chilcott, Farquharson, Fennell, Gray, Henderson, Lochead, O'Brien, Ogilvie, Pepper, Scace, Shaffer, Sheard, Wilson.

2. LEGAL EDUCATION: Arthurs, Barr, Brulé, Carthy, Catzman, Doran, Ferrier, Genest, Goodman, Ground, Henderson, Lamont, Lerner, Noble, Outerbridge, Scace, Shibley, Tait, Thom, Wardlaw.

3. ADMISSIONS: Affleck, Carthy, Cass, Catzman, Chilcott, Cooper, Ferrier, Ground, Henderson, Lamont, Legge, Pepper, Scace, Sheard, Sutherland, White.

4. DISCIPLINE: All members of Convocation

   – POLICY SECTION: Affleck, Barr, Bynoe, Carnwath, Cass, Cooper, Furlong, Humphrey, Ogilvie, Ruby, Sutherland, Willoughby.

5. PROFESSIONAL CONDUCT: Arthurs, Bowlby, Bynoe, Carnwath, Catzman, Fennell, Genest, Ground, Humphrey, Lamont, Lerner, McWilliams, Outerbridge, Strauss, Sutherland, Tobias, Wardlaw, Yachetti.

6. LIBRARIES AND REPORTING: Farquharson, Lerner, Shaffer, Shibley, Strauss, Tait, Willoughby, Yachetti.

7. UNAUTHORIZED PRACTICE: Carter, Chadwick, Chilcott, Furlong, McWilliams, Shaffer, Strauss, Tobias, White.

8. PUBLIC RELATIONS: Affleck, Arthurs, Bowlby, Carthy, Goodman, Outerbridge, Shibley, White, Willoughby, Yachetti.

9. LEGISLATION AND RULES: Cass, Common, Doran, Furlong, Legge, Lochead, Wilson.

10. PRACTICE AND INSURANCE: Barr, Brulé, Chadwick, Doran, Farquharson, Legge, Noble, O'Brien, Ogilvie, Wardlaw.

11. LEGAL AID: Barr, Bowlby, Carter, Chadwick, Ferrier, Genest, Goodman, Noble, Ogilvie, Ruby, Tait, Tobias, Yachetti.

    – NON–BENCHERS: R. E. Barnes, Mary Cornish, S. R. Ellis, C. R. Harris, S. B. Linden, G. E. Wallace.

    – STUDENT REPRESENTATIVE: B. Nixon.

4. Set out below are the names of the Chairmen and Vice-Chairmen elected at the meetings of the nine Standing Committees which took place on Thursday, 7th June:

1. FINANCE: Chairman – P. B. C. Pepper; Vice-Chairman – A. R. A. Scace.
2. LEGAL EDUCATION: Chairman – J. J. Carthy; Vice-Chairmen – M. A. Catzman, S. Lerner.
3. ADMISSIONS: Chairman – L. L. Legge; Vice-Chairman – A. M. Cooper.
4. DISCIPLINE: Chairman – J. D. Carnwath; Vice-Chairmen – B. C. Bynoe, N. Ogilvie.
5. PROFESSIONAL CONDUCT: Chairman – J. D. Ground; Vice-Chairmen – P. Genest, R. D. Yachetti.
6. LIBRARIES AND REPORTING: Chairman – G. H. T. Farquharson; Vice-Chairman – L. S. Willoughby.
7. UNAUTHORIZED PRACTICE: Chairman – P. B. Tobias; Vice-Chairman – W. D. Chilcott.
8. PUBLIC RELATIONS: Chairman – E. A. Goodman; Vice-Chairman – J. G. M. White.
9. PRACTICE AND INSURANCE: Chairman – J. A. Brulé; Vice-Chairman – J. R. Barr.

5. The Legal Aid Committee met on Wednesday, 6th June and the Legislation and Rules Committee had not held a meeting in June. Convocation will adjourn on Friday, 15th June, to permit the election of Chairmen and Vice-Chairmen of these two Standing Committees.

THE REPORT WAS ADOPTED

……….

CONVOCATION ADJOURNED to permit the Legal Aid Committee and the Legislation and Rules Committee to meet for the election of Chairmen and Vice-Chairmen, and

RESUMED following the election.

....

ELECTION OF CHAIRMEN AND VICE–CHAIRMEN

The reports of the following Standing Committees as to the election of Chairmen and Vice-Chairmen were adopted as follows:

LEGAL AID: Chairman – J. D. Bowlby; Vice-Chairmen – J. B. Chadwick, L. K. Ferrier.

LEGISLATION AND RULES: Chairman – P. G. Furlong; Vice-Chairman – G. H. Lochead.

....

APPOINTMENT OF SPECIAL COMMITTEES

The Treasurer advised Convocation that he had reconstituted or confirmed the constitution of the Special Committees of the Society and presented a memorandum listing the Special Committees as so constituted. Copies of the memorandum will be sent to all Benchers.

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ANNUAL MEETING:
TIME AND PLACE 1979

It was moved, seconded and *carried* that the Annual Meeting of the Society for 1979 take place in conjunction with the Mid-Winter Meeting of the Canadian Bar Association in Toronto on 7th, 8th or 9th February, 1980 and that the Annual Meeting be preceded by a luncheon.

....

CONFERENCE WITH COUNTY AND DISTRICT LAW ASSOCIATIONS: TIME AND PLACE 1979

It was moved, seconded and *carried* that the annual meeting of the Chairmen and Vice-Chairmen of the Standing Committees with representatives of the county and district law associations and representatives of the approved law faculties in the province take place on Friday, 12th October, 1979, at 9:30 a.m., in the Third Floor Lounge at Osgoode Hall, and that the meeting be preceded by coffee served in Convocation Hall and followed by a buffet luncheon in Convocation Hall.

. . . .

REMEMBRANCE DAY SERVICE: TIME AND PLACE 1979

It was moved, seconded and *carried* that the Society's observance of Remembrance Day be held on Thursday, 8th November, 1979, at 12:30 p.m. at the Society's Second World War Memorial in the Main Rotunda at Osgoode Hall.

. . . .

DISCIPLINE COMMITTEE–Mr. Carnwath

Re: SIDNEY V. CWINN, Ottawa

Mr. J. D. Carnwath, Chairman, placed the matter before Convocation.

The reporter was sworn.

The solicitor did not attend. Mr. Mark Fawley appeared on his behalf. Mr. J. D. Crane, Q.C., represented the Society.

Counsel for the solicitor asked for an adjournment.

Counsel and the reporter withdrew.

Convocation agreed to an adjournment to a Special Convocation to be held on Wednesday, 12th September, 1979.

Counsel and the reporter returned.

Counsel were advised of the adjournment that had been granted.

Counsel and the reporter retired.

. . . .

ADMISSIONS COMMITTEE–Mrs. Legge

Mr. A. M. Cooper, Vice-Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 7th June, 1979.

The following members were present: Mr. Pepper in the Chair, Messrs. Affleck, Carthy, Cass, Catzman, Chilcott, Ferrier, Lamont, Scace, Mrs. Sutherland, and Mr. White.

ELECTION OF CHAIRMAN AND VICE–CHAIRMAN

On motion in Committee, seconded and *carried* Mrs. L. L. LEGGE was elected Chairman and Mr. A. M. COOPER was elected Vice-Chairman of the Admissions Committee.

OCCASIONAL APPEARANCE

David Walter Gibbons of the Province of British Columbia, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Regina v. Marian Joan Cocklin.* Mr. Gibbons complied with the requirements of Section 10 and presented a Certificate of Good Standing. He asked to receive his call to the Bar of Ontario at the June Convocation.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

The following candidates, having successfully completed the Twentieth Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for Call to the Bar and to be granted Certificates of Fitness:

Edmund Andrew Cape
Deana Silverstone

Transfer from another Province

The following candidates, having passed the examination set by the Examining Board, filed the necessary documents and paid the required fee of $411, applied for Call to the Bar and to be granted Certificates of Fitness:

Alexander Roscislaw Szibbo	Province of British Columbia
George Takakazu Tamaki	Province of Quebec
William Henry Watts	Province of New Brunswick

The following candidates having passed the comprehensive examination on common law and the examination set by the Examining Board, filed the necessary documents and paid the required fee of $511, applied for Call to the Bar and to be granted Certificates of Fitness:

Jack Ralston Miller	Province of Quebec
Gavin Leonard Gow Wyllie	Province of Quebec

Call to the Bar for an Occasional Appearance

At its meeting on 7th June, 1979, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearance in Ontario of lawyers from other Provinces" and that upon giving the necessary undertaking he be called to the Bar and admitted as a Solicitor:

David Walter Gibbons	Province of British Columbia

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further three candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1978.

DIRECT TRANSFER FROM QUEBEC

The Committee considered and approved two applications to transfer to practise in Ontario by Quebec lawyers who sought to proceed under Regulation 4(2).

DIRECT TRANSFER

The Committee considered an inquiry with respect to transfer to practice in Ontario by a Newfoundland lawyer who was called to the Bar of Newfoundland in January 1977, following which he held the office of a provincial magistrate in that province for about a year and a half and thereafter the position of an appeals officer with the Appeals and Investigation Branch of the Public Service Commission of Canada. He asked if this employment would qualify him to proceed under Regulations 4(1) and 3(1).

The Committee recommended that he be advised that he does not comply with the requirements of Regulation 4(1)(a) in that neither his work as a magistrate nor as an Appeals Officer constitutes active practice within the meaning of the Regulation.

SURVEY OF 1979 BAR ADMISSION COURSE GRADUATES

Messrs. Ground, Brulé, Jarvis and Professor Marie Huxter met on two occasions and made sundry revisions to the questionnaire. This has been printed and the first batch has been mailed.

Noted

MOTION: EXAMINATIONS – TIME LIMIT

Further to the recommendation which Convocation adopted in May 1979 with respect to Examinations, namely:

> "that an applicant proceeding under Regulation 4 must write the prescribed examinations within eighteen months of the approval of the application by Convocation."

and further

> "that applicants who fail on the first attempt and who are permitted to write a second time must write the next examination."

it was moved in Committee, seconded and *carried* that:

> "all those whose applications to proceed under Regulation 4 have been approved, be advised that they must write the prescribed examinations within eighteen months of the adoption of this recommendation by Convocation and that those whose applications are approved hereafter be advised that they must write the prescribed examinations within eighteen months of the approval of their applications by

Convocation, and that all applicants be advised that those who fail on the first attempt and who are permitted to write a second time must write the next examination."

THE REPORT WAS ADOPTED

……….

Mr. Cooper presented the Report of the Admissions Committee of its meeting on Friday, 15th June, 1979.

The following members were present: Mr. A. Cooper (Vice-Chairman), Messrs. Lerner and Willoughby.

OCCASIONAL APPEARANCE

Jacques Riou, of the Province of Quebec applies to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Regina v. Louis Gladu.* Mr. Riou complied with the requirements of Section 10 and presented a Certificate of Good Standing. He asked to receive his call to the Bar of Ontario at the June Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Call to the Bar for an Occasional Appearance

At its meeting on 15th June, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearances in Ontario of lawyers from other Provinces" and that upon giving the necessary undertaking he be called to the Bar and admitted as a Solicitor:

Jacques Riou	Province of Quebec

Approved

THE REPORT WAS ADOPTED

……….

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Edmund Andrew Cape
Deana Silverstone
Alexander Roscislaw Szibbo
George Takakazu Tamaki
William Henry Watts
Jack Ralston Miller
Gavin Leonard Gow Wyllie
David Walter Gibbons
Jacques Riou

....

PRACTICE AND INSURANCE COMMITTEE–Mr. Brulé

Mr. J. A. Brulé, Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 7th June, 1979.

The following members were present: Messrs. Brulé, Doran and Ogilvie. Messrs. Hargraft and Maltman were present at the Chairman's request.

ELECTION OF CHAIRMAN AND VICE–CHAIRMAN

On motion in Committee, seconded and *carried* Mr. J. A. Brulé was elected Chairman and Mr. J. R. Barr was elected Vice-Chairman of the Practice and Insurance Committee.

ADJUSTERS' FEES

Lists of the fees paid in May, 1979, to adjusters under the old Fund, under the 1977 Fund, under the 1978 Fund and the 1979 Fund were before the Committee.

Noted

COUNSEL FEES

A list of the fees paid to Counsel during May, 1979, was before the Committee.

Noted

MONTHLY REPORT

Mr. Hargraft's monthly report was before the Committee.

Noted

TICKLER SYSTEM

At its meeting in April, the Committee had before it a copy of an advertisement run by Newsome and Gilbert, Limited in which they offered a tickler system and said it to be "printed as per Law Society recommendation".

The Society wrote to Newsome and Gilbert, Limited respecting their advertisement and has now received a letter from C. H. Hollingshead, Q.C., of Messrs. Fraser & Beatty, in which it was agreed on behalf of Newsome and Gilbert, Limited that "it is undesirable for a Stationer to indicate that something which they produced has been approved by the Society when the Society has not seen the form as printed" and in which it was stated that their client had no intention of representing to the members that the form they were printing had been approved by the Society.

Noted

DEDUCTIBLE – COSTS OF DEFENCE

At its May meeting, the Committee considered a letter from Mr. Manning H. Roebuck. When tendering on a real estate transaction a cheque tendered by his firm for the purpose of showing readiness but not willingness to close was taken by opposing counsel. Mr. Roebuck reported that incident to underwriters, litigation eventually concluded in Mr. Roebuck's favour and he was asked to pay costs. Underwriters refused to contribute. The Committee recommended Mr. Somerville to be retained to give his opinion as to the legal obligation on the Society's Fund to pay Mr. Roebuck's claim. Before the opinion could be sought, the Society received a letter from the adjuster indicating that Maltman & Co. Ltd. had already obtained an opinion from Mr. Somerville on the basis of which the adjuster recommended a compromise payment of about one-third of Mr. Roebuck's claim for costs. Maltman's letter of the 11th May, 1979, was before the Committee.

The Committee recommended that Mr. Roebuck be advised that the Committee having considered the circumstances he described, concurred with the view expressed by F. C. Maltman & Co.

The Treasurer did not take part in the consideration of this item.

DEDUCTIBLE – LLOYD'S POLICY

(a) Insured unable to pay

A limitation period in respect of an insurance policy covering a motor accident passed without a Writ being issued. A member (50619–6/1927) has had a claim made against him. He died in September, 1975 and his estate is apparently unable to pay the deductible which in this case is $5,000.

The question is raised in a letter dated the 24th of May from Miss Morham, a copy of which was before the Committee, whether the deductible can be paid from the Society's Fund. (Page 19)

(b) In file 47695–3(1)/600 the insured was successfully defended but defence costs were incurred in the sum of $6,161.90.

Underwriters provided their cheque for $4,161.90 and the insurer's deductible of $2,000 pursued but not collected.

The question before the Committee is whether the $2,000 should be advanced by the Society.

The Committee recommended that there is no fund under the Society's control out of which to advance or pay the deductible when the insured is unable or unwilling to do so, and that Lloyd's should be advised that in the Society's view they are obliged to pay the settlement fund notwithstanding the individual deductible has not been paid. This leaves unanswered the question of payment to counsel for defence costs up to $5,000. Convocation was asked to consider as a matter of policy the Society's membership being advised that the Society's Fund may in future be used to advance or pay individual deductibles in whole or in part in appropriate circumstances in the discretion of this Committee.

THE REPORT WAS ADOPTED

....

LIBRARIES AND REPORTING COMMITTEE–

Mr. Farquharson

Mr. G. H. T. Farquharson, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 7th June, 1979.

The following members were present: Messrs. Farquharson, Lerner, Mrs. Tait, Mr. Yachetti, and Miss A. R. McCormick.

ELECTION OF CHAIRMAN AND VICE–CHAIRMAN

It was moved, seconded and *carried* in Committee that Mr. G. H. T. Farquharson be elected Chairman and Mr. L. S. Willoughby be elected Vice-Chairman of the Libraries and Reporting Committee.

GREAT LIBRARY

GREAT LIBRARY STAFF

The Chief Librarian reported that Mr. Frank Mercer who had been with the Great Library for several years, had submitted his resignation effective May 31st, 1979.

Noted

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

COUNTY AND DISTRICT LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1978. The amounts of the grants which they should receive under the Regulation in 1979 and that which they received in 1978 are as follows:

	1978	*1979*
Algoma	$2,000	$2,000
Dufferin	1,075	1,180
Essex	2,000	2,000
Frontenac	2,000	2,000
Hastings	2,000	2,000
Lennox & Addington	795	830
Lincoln	2,000	2,000
Nipissing	1,950	1,530
Parry Sound	750	750
Renfrew	1,355	1,425
Stormont, Dundas & Glengarry	1,425	1,565

Approved, subject to the approval of the Finance Committee.

SUB–COMMITTEE ON COUNTY AND DISTRICT LAW LIBRARY GRANTS

The Chairman advised the Committee that it was necessary to reconstitute the Sub-Committee. The Committee recommended that Mr. S. Lerner be Chairman and that in consultation with Mr. Farquharson additional members will be added to the Sub-Committee.

REPORTING

ONTARIO REPORTS

The Chairman reported on a meeting that was held on Wednesday, June 6th, 1979 to consider the revisions to the contract to publish the Ontario Reports suggested by Canada Law Book Limited. The Chairman reported that the revised contract would be submitted to Canada Law Book Limited in the near future.

Noted

THE REPORT WAS ADOPTED

....

FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 7th June, 1979.

The following members were present: Messrs. Pepper (Chairman), Chilcott, Fennell, Lochead, Ogilvie and Scace.

ELECTION OF CHAIRMAN AND VICE–CHAIRMAN

It was moved, seconded and *carried* in Committee, that Mr. P. B. C. Pepper be elected Chairman and Mr. A. R. A. Scace be elected Vice-Chairman.

ROLLS AND RECORDS

Deaths

The following members have died:

Johnson George Feilde Butler Thorold	Called – 18 November 1937 Died – 30 April 1979
Ronald Charles George Wilson, Q.C. Toronto	Called – 16 September 1948 Died – 30 April 1979
John Frederick Isard, Q.C. Oakville	Called – 20 September 1945 Died – 7 May 1979
Andrew George McHugh, Q.C. Ottawa (Life Member)	Called – 25 May 1917 Died – 25 May 1979
James Patrick Manley, Q.C. Toronto (Life Member)	Called – 13 September 1923 Died – 23 May 1979

Disbarment

The following member having been disbarred and struck off the rolls, his name was removed from the rolls and records of the Society:

Douglas Keith Robertson, Q.C. Toronto	Called – 19 June 1952 Disbarred – Convocation 18 May 1979

Noted

LIFE MEMBERS

Pursuant to Rule 49, the following are eligible to become Life Members of the Society effective 20th June, 1979:

George Blakely Bagwell	Toronto
David Wilfred Boyd, Q.C.	Smiths Falls
Peter James Burns, Q.C.	Kirkland Lake
Edwin Hilyard Charleson, Q.C.	Ottawa
Herbert Egerton Harris, Q.C.	St. Catharines
Ernest Parnell Lee, Q.C.	Bracebridge
Britton Bath Osler, Q.C.	Toronto
John Josiah Robinette, Q.C.	Toronto
Albert Shifrin, Q.C.	Toronto
Edwin Alcott Tilley, Q.C.	North Bay
Norman Aubrey Todd	Richmond Hill
Janet Gibson Van Every	Toronto
William Alan Templeton Van Every, Q.C.	Toronto

Noted

CHANGES OF NAME

The following members requested that their names be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Yolanda Janne Nowak-Smith	Yolanda Janne *Smith* (wishes to resume her married name)
Margaret Jean Mackenzie	Margaret Jean Mackenzie *Chapman* (married name)

The following student members requested that their names be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Mary Elizabeth Anne Keeshan	Mary Elizabeth Anne Keeshan *McLean* (married name)
Gillian Mary Screaton	Gillian Mary *Burton* (maiden name)

Approved

RESIGNATION

Eric Gordon DeMont of Wolfville, Nova Scotia, applied for permission to resign his membership in the Society and submitted his Declaration in support. Mr. DeMont requested that he be relieved of the requirement of publication in the Ontario Reports.

Approved

ARREARS OF ERRORS AND OMISSIONS INSURANCE LEVY

Harry Joseph Waldman has not paid his Errors and Omissions Insurance Levy for 1979 nor filed an application for exemption. His name was included in the list of members whose rights and privileges were suspended at May Convocation but he was not suspended because a final notice had not been sent to him. The final notice was sent.

The Committee recommended that Mr. Waldman's rights and privileges be suspended on 15th June, 1979. *(See motion, p. 324.)*

CHEQUE SIGNING

The Committee was asked to consider a change in cheque signing, following the introduction of a new accounts payable system under which most cheques will be computer printed. Computer printed cheques will obviate the necessity for the use of the protectograph machine.

At present, cheques up to $5,000 carry the facsimile signature of Miss Marion Smith, Senior Bookkeeper, which is printed when the cheques are put through the protectograph. In addition, the manual signature of one of the Treasurer, Secretary, Deputy Secretary, Finance Administrator or a member of the Finance Committee is also required. Cheques over $5,000 require two manual signatures, one of which is that of the Secretary, Deputy Secretary or Finance Administrator and the other is that of the Treasurer or a member of the Finance Committee.

The Committee was asked to approve an amendment to the banking resolution so that computer printed cheques will require only the single manual signature now being applied. No change is suggested in respect of cheques over $5,000.

Approved, subject to the Senior Bookkeeper, or in her absence the Finance Administrator, approving each invoice for payment. *(See motion, p. 324.)*

UNCLAIMED TRUST FUNDS

The Sub-Committee on Unclaimed Trust Funds recommended the establishment of a trust account in the name of The Law Society of Upper Canada into which unclaimed trust funds would be paid and on which interest would be paid to The Law Foundation of Ontario.

This Committee was asked to authorize the opening of such an account and designate signatories thereto.

Approved, the signatories to be the same as for other Society accounts.

1979/80 BUDGET AND ANNUAL FEE

The Committee had before it a report of the Finance Administrator, summarizing estimates submitted by all committees except Legal Education.

The Committee was asked to review the Budget and to recommend the amount of the Annual Fee for 1979/80.

The Committee recommended certain changes to the 1979/80 Estimates submitted to them.

All of these changes were incorporated in the schedules before Convocation which the Committee recommended be adopted as the Society's budget for the year ending 30th June, 1980.

It was moved, seconded and *carried* that the Annual Fee be increased by $10 to $250. *(See motion, p. 323.)*

It was moved in Committee, seconded and *carried* that the budgeted deficit in the Bar Admission Course be the subject of an application to The Law Foundation of Ontario for a grant.

CATERING EQUIPMENT

The Society spends $300 per year buying ice cubes. A machine producing ice cubes can be purchased for $1,900, including tax and installation, and will provide improved service as compared to the inconvenience of buying ice when required.

Approved

TREES

Cedarvale Tree Services submitted an estimate of $2,230 for pruning. Part of this work is urgently needed both for the health of the trees and the necessity to avoid entanglement with overhead transit lines. A further $570 is required to repair a chestnut tree.

Approved

PUBLICATIONS

The following publications are sent to members:

Communiqué
Ontario Reports
Occasional Reports
Minutes of Convocation
Continuing Education announcements
Legal Aid Letter
Errors & Omissions Bulletins
Gazette

A bencher suggested that savings could be effected by asking every member which of these publications could be discontinued. It is possible to select for every member an individual list of the publications he requires.

The Committee recommended that no action be taken.

GENERAL MAINTENANCE

The Society's Architect submitted recommendations for general maintenance to be carried out in the year beginning July 1st, 1979 at an estimated cost of $39,000. Provision for this amount has been included in the 1979/80 Estimates.

Approved

LEGAL EDUCATION COMMITTEE

The following item appeared on the agenda of the above

Committee at its meeting on 7th June, 1979, and was approved by that Committee subject to the approval of this Committee:

BAR ADMISSION COURSE – PROPOSAL FOR CONTINGENCY LOAN FUND

In the 1978/79 teaching term of the 20th Bar Admission Course, four hundred and thirty-eight students applied for financial assistance under the Ontario Student Assistance Programme. In many instances applicants suffer extreme financial hardship by reason of the time lapse between the making of the application for the loan and the receipt of funds. Most of the tertiary educational institutions in the province maintain and administer an institutional emergency loan fund for their students under which students in financial need are given short-term loans in limited amounts. A copy of a memorandum prepared by the Assistant Director *(see p.331.)* was before the Committee to consider the establishment of an emergency loan fund within the limits ($5,000) proposed in the memorandum.

Approved at a maximum of $5,000.

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing law associations which had sent in their Annual Returns for 1978 and setting out the amounts of the grants to which they appear to be entitled under the Regulation in 1978 and 1979. The Libraries and Reporting Committee approved these grants at its meeting on 7th June, 1979, subject to the approval of this Committee.

Approved

THE REPORT WAS ADOPTED

....

MOTION: ANNUAL FEE 1979–80

It was moved, seconded and *carried* that the Annual Fee for membership in the Society for the fiscal year 1979-80 be $250 per member, exclusive of the Compensation Fund levy.

....

MOTION TO SUSPEND: ARREARS OF ERRORS AND OMISSIONS INSURANCE LEVY

It was moved, seconded and *carried* that the following Barrister and Solicitor who failed to pay the levy prescribed under Section 35 of The Law Society Act be suspended from practice on 15th June, 1979, for a period of one year and from year to year thereafter, until his levy is paid or until an application for exemption from coverage is approved:

Harry Joseph Waldman	Toronto

. . . .

MOTION: CHEQUE SIGNING RESOLUTION

It was moved, seconded and *carried* that the Resolution before Convocation with respect to the signing of cheques drawn on the Society's account with the Canadian Imperial Bank of Commerce by means of facsimile signature affixed with a cheque signing machine and manual signature of one of the Society's officers and, for cheques prepared on the Society's computer, by means of manual signature by one of the Society's officers and including a provision that all cheques for amounts of $5,000 or more must bear the manual signatures of two of the Society's officers, be approved by Convocation.

. . . .

DISCIPLINE COMMITTEE – Mr. Carnwath

GENERAL

Mr. J. D. Carnwath, Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 7th June, 1979.

The following members were present: Messrs. Carnwath, Affleck, Bynoe, Cass, Furlong, Ogilvie, Ruby and Mrs. Sutherland.

ELECTION OF CHAIRMAN AND VICE–CHAIRMEN

It was moved, seconded and *carried* in Committee, that Mr. J. D. CARNWATH be elected Chairman and Messrs. B.C.

BYNOE and N. OGILVIE be elected Vice-Chairmen of the Discipline Committee.

GEORGE H. LOCHEAD

The Committee wished to record its gratitude to Mr. Lochead for the service that he has rendered to the Bench and the profession during the years that he was Chairman of this Committee.

COMPENSATION FUND LEVY 1979/80

The Committee had been advised that as much as $1,000,000 could be paid out of the Compensation Fund in the very near future. It was also anticipated that in the next fiscal year ending June 30th, 1980, another $1,000,000 could be paid out of the Fund. These calculations are based on the old discretionary limits of $25,000 per claimant and $150,000 per individual solicitor. The balance standing in the Fund as of May 31st was $1,671,646.96. The Society's financial administrator advised that if the Compensation Fund levy for 1979/80 was increased from the present $30 to $80, slightly in excess of $1,000,000 could be raised. On the recommendation of the Committee, Convocation approved, at its May meeting, new discretionary limits of $50,000 per claimant and $500,000 per individual solicitor to apply to defalcations where funds have been entrusted on or after June 1st of this year. The Committee therefore recommended that the Compensation Fund levy be increased from $30 to $100. (*See motions, p.327-8.)*

DOUGLAS KEITH ROBERTSON

When the Decision with respect to this former solicitor went before Convocation in May of this year, some concern was expressed about the apparent delay in the commencement of formal proceedings. Convocation was advised that an inquiry would be made as to why this had occurred. The Committee was satisfied that the delay had been due to the temporary shortage in the audit staff. It was believed that this has now been corrected. The Committee however will continue to monitor the situation.

SECTION 18(10)(b) OF THE REGULATION

The above-noted Section states that a cheque drawn on a trust account shall not be signed by a person who is not a member except in exceptional circumstances, and except when the person is bonded in an amount at least equal to the maximum balance on deposit during the immediately preceding fiscal year of the member in all the trust accounts on which signing authority has been delegated to the person.

Members of the profession from time to time have asked whether it is appropriate to have a non-member counter-sign cheques. The Committee was of the opinion that there is nothing improper with such counter-signing, provided that the other signatory is a lawyer. In order to overcome this confusion it is recommended that an appropriate amendment be made to the Regulation and that this matter be accordingly referred to the Legislation and Rules Committee for that purpose.

BANKRUPTCY – SECTION 11(2) OF THE REGULATION

In April of this year the Committee considered a request from a member of the profession, that she be permitted to operate a trust account notwithstanding the fact that she had made an assignment for the benefit of her creditors. The assignment had been made as a result of a business operated by her husband, she having been a guarantor for some of his obligations. It was decided at that time that her request be tabled until a member of the Society's audit staff could look into the situation. This was done and the auditor reported that the member's books and records are in order and up to date. The Committee therefore recommended that this member be permitted to operate a trust account.

MEMBER'S COSTS RE HEARING

On November 30th of last year a student member, now a member, appeared before the Discipline Committee as a result of a Complaint having been issued against him wherein it was alleged that he had been guilty of conduct unbecoming a student member by swearing an Affidavit of Service under Articles which he knew or ought to have known was false or misleading. The hearing concluded at 9:30 p.m. with the

Complaint being found not established. The member wrote to the Society requesting Convocation give consideration to the paying of his costs. In addition to his counsel's fee of $2,553.83 there were, according to the member, his own costs and the cost of bringing four witnesses from out of town. Section 41 of the Act reads as follows:

> "Where it appears that disciplinary proceedings against a member or student member were unwarranted, Convocation may order that such costs as it considers just be paid by the Society to the member or student member whose conduct was the subject of the proceedings."

The Committee recommended that his request be denied.

THE REPORT WAS ADOPTED

. . . .

MOTIONS: COMPENSATION FUND LEVY 1979-80: LIMITS; STUDY OF PERFORMANCE

Three motions were placed before Convocation at this point. Consideration of these motions was deferred to the afternoon session when further motions were placed before Convocation and voting on all the motions took place.

It was moved and seconded but *not put* that the Compensation Fund levy for 1979-80 be increased from $30 to $100.

It was moved, seconded and *lost* that the implementation of the new limits on grants from the Compensation Fund be postponed for 12 months.

It was moved, seconded and *carried* that the Compensation Fund levy for 1979-80 be increased from $30 to $50.

It was moved and seconded but *not put* that the Compensation Fund levy for 1979-80 be increased from $30 to $80.

It was moved, seconded and *lost* that the Compensation

Fund levy for 1979-80 be $30.

It was moved, seconded and *carried* that a further study of the performance of the Compensation Fund be obtained for the assistance of the Committee and Convocation.

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. S. Lerner, Vice-Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 7th June, 1979.

The following members were present: J. J. Carthy in the Chair, Messrs. Brulé, Catzman, Doran, Ferrier, Genest, Ground, Lamont, Lerner, Scace, Wardlaw and Mrs. R. M. Tait.

ELECTION OF CHAIRMAN AND VICE–CHAIRMAN

It was moved, seconded and *carried* in Committee that Mr. J. J. CARTHY be elected Chairman and Messrs. M. A. CATZMAN and S. LERNER be elected Vice-Chairmen of the Legal Education Committee.

BAR ADMISSION COURSE – TIMETABLE FOR THE TEACHING TERM OF THE 21ST BAR ADMISSION COURSE

A proposed timetable for the teaching term of the 21st Bar Admission Course commencing Tuesday, September 4th, 1979 was before the Committee for consideration and approval.

Approved

BAR ADMISSION COURSE – CALL TO THE BAR

It was proposed that in the teaching term of the 21st Bar Admission Course candidates who successfully pass all regular examinations during the teaching term should be called to the bar on the following dates:

Toronto	– Thursday, April 10th, 1980 – Friday, April 11th, 1980
London	– Monday, April 14th, 1980

Approved

SPECIAL PETITION – 20TH BAR ADMISSION COURSE

A petitioner who failed the teaching term of the 20th Bar Admission Course has obtained employment and cannot afford to repeat the teaching term in the year 1979-80. He requested permission to defer his right to repeat the teaching term until the year 1980-81.

Approved

BAR ADMISSION COURSE – REPORT OF THE SUB–COMMITTEE REVIEWING THE BAR ADMISSION COURSE

The Sub-Committee reviewing the Bar Admission Course has made a further report dated June 7th, 1979. This report was before the Committee.

The Committee recommended that the following, being the first four paragraphs of the report of the Sub-Committee, be approved:

> Your Sub-Committee will require substantial funding to be available for the production of profiles or descriptions of the areas of law it will be assumed have been covered by students entering the teaching term of the Bar Admission Course and also to cover the cost of distributing materials to those serving under articles if this recommendation is approved by Convocation.
>
> It is proposed that a practitioner be retained to set out under appropriate headings what a new practitioner needs to have covered to be prepared for the first three years of practice, and that an academic be consulted to assist in dividing the material into what should be covered before the teaching portion of the Bar Admission Course from what will be covered during the teaching term.
>
> Your Sub-Committee recommends that $40,000 be included in the Legal Education Committee's estimates for this purpose.
>
> It is intended that the profiles be completed within one year and that thereafter the Bar Admission Course materials would be reshaped and that suitable publicity would be given to the profiles for the information of students entering university and for the universities themselves.

The Committee further recommended that the remainder of the report with respect to the question of distributing Bar Admission Course materials to articling students be referred back to the Sub-Committee for further study and consideration and that in any event, no such distribution of materials be made in the year 1979/80.

BAR ADMISSION COURSE – OTTAWA PREMISES

The Society is seeking to obtain the use of the Teachers' College in Ottawa for the conduct of the Bar Admission Course in that city, which premises are owned by the Ontario Government. A letter written by the Treasurer to the Attorney General proposing the Society's use of the property received a tentatively favourable reply. The Treasurer's letter and the Attorney General's reply were before the Committee together with a report made by Mr. Arthur Heeney to the Director respecting this building and other Ottawa properties which were inspected by the architect.

The Committee approved in principle, the leasing of the Teachers' College in Ottawa, by the Society, for the conduct of the Bar Admission Course and recommended that the Director be authorized to negotiate with the Ontario Government for the settlement of such a lease.

BAR ADMISSION COURSE – PROPOSAL FOR CONTINGENCY LOAN FUND

In the 1978-1979 teaching term of the 20th Bar Admission Course, four hundred and thirty-eight students applied for financial assistance under the Ontario Student Assistance Programme. In many instances applicants suffer extreme financial hardship by reason of the time lapse between the making of the application for the loan and the receipt of funds. Most of the tertiary educational institutions in the province maintain and administer an institutional emergency loan fund for their students under which students in financial need are given short-term loans in limited amounts. A copy of a memorandum prepared by the Assistant Director was before the Committee and the Committee was asked to consider the establishment of an emergency loan fund within the limits proposed in the memorandum.

The relevant portions of the memorandum are set out below:

> "The Ministry of Colleges and Universities administers both the Canada Student Loans Plan and the Ontario Student Assistance Programme. As a result of problems within the Student Awards Branch, the processing of applications for financial aid was delayed last year to the point of causing hardship to a number of our students. Until last year, Bar Admission Course students were not among those affected since the processing of our loans and grants was given priority. In 1978/9 when, as a result of a policy change, Bar Admission Course students became disentitled to grants, we lost our priority on the processing of loan applications and we suddenly became subject to the delays in processing which other institutions had suffered for years."
>
> "As a result of delays in previous years, all universities and some other educational institutions with financial aid offices have instituted emergency loan funds to tide students over from the time when their savings run out until such time as documentation is issued to them by the Awards Officer. Under the system operated by most institutions, a ceiling is placed on the amount which can be borrowed, and the length of time it may be held. Experience shows that the majority of short term loans are taken up by students who have already been advised that they are eligible for an award and the amount thereof.
>
> Since the Ministry of Colleges and Universities tells all students and educational institutions administering the programme that the first call on any funds received from government sources is payment of monies owing to the institution, I believe that little or no risk would be incurred by the Law Society setting up a short term loan contingency programme for students in the Bar Admission Course. All documents, before they can be negotiated, have to bear my signature and I would not sign them unless the student signed a direction in our office instructing the bank to repay the loan to the Law Society out of the funds made available on the certificate. This is standard procedure understood by all students since over 50% of them pay their tuition fees each year in this way."
>
> "If the institution of a fund is acceptable to the Committee, I would like to see $5,000 made available to me for disbursement to students in the teaching term for emergency use only. In my opinion, most of the money so disbursed would be to pay for food,

rent, or unanticipated medical expenses. I think a limit of $500 should be placed on any award and all loans should be repayable within three months or as soon as documentation is issued by our Student Awards Office.

I would, of course, keep track of the monies so used and render an account of funds disbursed and received to the Legal Education and/or Finance Committee for regular meeting days. If a special bank account could be opened, monies repaid could be deposited in the account and used again for other students."

Approved

FACULTY APPOINTMENTS – Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which will commence September 4th, 1979:

(a) Civil Procedure I

To continue as Head of Section: R. J. Rolls, Q.C.

(b) Civil Procedure II

To continue as Head of Section: J. W. O'Brien, Q.C.

(c) Administration of Estates – Senior Instructor – London

Reginald J. Lamon, Q.C., retired as Senior Instructor in London.

It was recommended that Robert I. Morrison, Esq., be appointed Senior Instructor of the Administration of Estates section of the Bar Admission Course in London. Mr. Morrison has consented to act.

(d) Faculty Appointments (Ottawa):

It was recommended that the following persons be appointed as Senior Instructors in the sections of the Course shown, for the teaching term which will commence September 4th, 1979.

Appointee	*Section*
G. R. Morin	Civil Procedure I
Kenneth Radnoff	Civil Procedure II
Mrs. Allyne F. Thomson	Family Law
A. S. Goldberg, Q.C.	Creditors' and Debtors' Rights

D. C. Gavsie	Income Tax
L. M. Joyal, Q.C.	Law Office Administration
G. F. Henderson, Q.C.	Professional Conduct
A. de Lotbiniere Panet	Accounting in a Law Office
C. E. O'Connor	Corporate & Commercial Law
L. J. Rasmussen	Real Estate and Landlord & Tenant
R. G. Gravelle	Estate Planning
J. C. Clarke, Q.C.	Administration of Estates
J. B. Chadwick, Q.C.	Legal Aid
W. D. Chilcott, Q.C.	Criminal Law

(e) Faculty Appointments (London):

It was recommended that the following persons be appointed Senior Instructors in the sections of the Course shown, for the teaching term which will commence September 4th, 1979.

Appointee	*Section*
C. M. V. Pensa, Q.C.	Civil Procedure I
J. R. Caskey	Civil Procedure II
R. M. McClean	Family Law
R. J. Flinn, Q.C.	Creditors' & Debtors' Rights
S. N. Adams	Income Tax
Samuel Lerner, Q.C.	Law Office Administration
W. E. Bell, Q.C.	Professional Conduct
W. L. Wood, C.A.	Accounting in a Law Office
G. F. Plaxton, Q.C.	Corporate & Commercial Law
J. G. O'Grady	Real Estate & Landlord & Tenant
J. W. Cram, Q.C.	Estate Planning
Mrs. Gretta Grant, Q.C.	Legal Aid
Edward Richmond, Q.C.	Criminal Procedure

Approved

ARTICLES – PERMITTED APPEARANCES BY ARTICLING STUDENTS

In March, the Committee considered the list of court matters on which articling students are permitted to appear and the Committee's recommended list was approved by Convocation on March 15th, 1979. The list as so approved, required certain amendments to bring it in accord with the list of permitted appearances as settled between the Society and the Judiciary. The following amended list was approved by the

Committee:

> "Articled Students-at-law are permitted to appear:
>
> (i) On contested motions, consent and ex parte matters before the Masters and Registrars of the Supreme Court and Bankruptcy Court, including taxation of costs.
>
> (ii) (a) On ex parte and consent matters before the County Court and the Surrogate Court and the Unified Family Court and before the Registrars of those Courts.
>
> (b) On simple contested interlocutory motions before the County Court and the Surrogate Court and the Unified Family Court and the Registrars of those Courts, except in such matters as can only be heard by a Judge of the Supreme Court if such matters were in the Supreme Court.
>
> (c) Subject to the discretion of the Surrogate Court Judge, on the passing of accounts.
>
> (iii) On examinations for discovery, examinations of judgment debtors, cross-examinations on affidavits of merits and cross-examinations on affidavits in support of interlocutory applications.
>
> (iv) On applications in a provincial court (family division).
>
> (v) On proceedings before administrative tribunals.
>
> (vi) On all summary conviction matters in the Court of first instance, and on remands in indictable offences."

EXPLANATORY NOTE:

The Criminal Code provides for a number of offences where the Crown may elect to proceed either by way of summary conviction or by way of indictment. In terms of classification the offence is an indictable offence until the Crown elects to proceed by summary conviction. Authority for this position is to be found in the Interpretation Act, R.S.C. ch. I-23, s.27(1) of which provides:

> Where an enactment creates an offence,
>
> (a) the offence shall be deemed to be an indictable offence if the enactment provides that the offender may be prosecuted for the offence by indictment.

PETITIONS
BAR ADMISSION COURSE

The Committee had before it for consideration fifteen petitions, most of which were of a routine nature. Seven petitioners sought permission to defer entry into the teaching term of the Bar Admission Course for one year for a variety of reasons including financial circumstances, to accompany spouses whose employment or academic studies were being pursued out of this province, to continue law-related employment in another jurisdiction and to accept a position as executive assistant to a federal minister, to become a member of the Canadian Olympic Hockey Team for the 1980 Olympics if selected at the "try-out" camp to be convened in August, and to complete requirements for enrolment as a member of the Law Society in another Canadian province, and these petitions were approved. One petitioner who sought such a one-year deferment planned to be married in the near future. The Committee recommended that the deferment be granted conditional upon the petitioner being accepted as a student in a post-graduate law course and upon the petitioner pursuing such study during the 1979-80 academic year, and further recommended that the petition be otherwise denied. One petitioner who had received two such one-year deferments on previous occasions to further his academic studies sought a further one-year deferment in order to accept the position of an assistant professor on the faculty of law at an approved Ontario university. The Committee approved this petition.

Two petitioners sought permission to vary the requirements of the articling period. One petitioner sought permission to complete the twelve-month articling period over two years from December 1979 through May 1980 and then from December 1980 through May 1981 so that he might play professional football. The other petitioner who had commenced service under articles with the Official Guardian's Office on 5th June, 1979 sought permission to continue his studies towards completion of a Master's Degree in Social Work at the University of Toronto during the eight-month academic year and to serve under articles from June 1979 to September 1980 in full of the articling requirement. Both petitions were approved.

Two petitioners asked modification of Regulation 26(4a) and that they be permitted to enter the Bar Admission Course as students-at-law. One had obtained an LL.B. degree in 1975, subsequently been employed as an executive or special assistant to three federal ministers, including the Minister of Justice, and was prepared to commence service under articles by 31st August, 1979. The other had obtained an LL.B. degree in 1974, then worked towards and obtained a Chartered Accountant's designation, subsequently been employed during 1978 as a Chartered Accountant for a licensed trustee and was prepared to commence service under articles commencing 15th July, 1979. Both petitions were approved.

One petitioner presented articles of clerkship, duly completed, together with application for admission, admission fee, all other requisite documents and a late filing fee, and requested that he be admitted as a student-at-law in the Bar Admission Course and that his service under articles be deemed to have commenced on 26th June, 1978. The Committee approved the petition.

Finally, a petitioner who expected to receive an LL.B. degree in May 1980 and then move to Israel for a few years and seek admission to the bar of that country requested permission to enter the Bar Admission Course if he returns to Ontario more than five years after completing his LL.B. programme. The Committee recommended that the petition be denied and that the Director advise the applicant that he may petition at a later date for such relief as his future circumstances may require.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the period from 1st July, 1978 to 31st May, 1979 and reviewed a statement setting out the Continuing Education programmes presented during the month of May 1979 and the publications report for the month of May 1979.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. P. B. C. Pepper, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 7th June, 1979.

The following members were present: Messrs. Pepper (Chairman), Cass, Farquharson, Mrs. Sutherland and Mr. Yachetti.

APPLICATION

The Committee had before it for consideration an application for a grant that had been stood over from the May meeting. The applicant, an impoverished sole practitioner with a family, had submitted two letters and a statement of income and expenses. No additional information was available to the Committee.

The Committee recommended that on the basis of the information before it no grant be made, without prejudice to the Chairman's discretion to make a grant of up to $500 if further information appeared in his opinion to warrant it.

THE REPORT WAS ADOPTED

....

PUBLIC RELATIONS COMMITTEE–Mr. Goodman

Mr. E. A. Goodman, Chairman, presented the Report of the Public Relations Committee of its meeting on Thursday, 7th June, 1979.

The following members were present: Messrs. White (Acting Chairman), Outerbridge and Yachetti.

ELECTION OF CHAIRMAN AND VICE–CHAIRMAN

It was moved, seconded and *carried* in Committee that Mr. E. A. Goodman be elected Chairman and Mr. J. G. M. White be elected Vice-Chairman of the Public Relations Committee.

TELEVISION FILM – OPENING OF LAW OFFICE

Mr. James H. Johnson of Windsor wrote to the Society saying that CBET television had approached him to suggest a news feature film of young lawyers starting their own practice. He asked the Society whether it had any objection to this. The Professional Conduct Committee considered it and gave the opinion that the idea was good but they were not satisfied with the format and referred the enquiry to this Committee.

This Committee recommended that Mr. Beaufoy be asked to meet Mr. Johnson and CBET to explore whether the idea can be developed into an appropriate piece of institutional advertising, perhaps using professional actors.

MARY SCHNEIDER PRINTS

Some years ago Mary Schneider was commissioned to produce four sketches of interior features of Osgoode Hall. These were reproduced and have been sold to members of the profession realizing a small profit. Mrs. Schneider suggests that four more drawings be done of exterior features of the building to be handled in the same way.

Approved subject to the costs being ascertained and approved by the Committee.

SUMMER TOURS

Arrangements are going forward with the approval and co-operation of the Chief Justice to provide tours during July and August, five days a week between 1:00 o'clock and 2:00 o'clock each afternoon. The tours are to be conducted by members of the Bar Admission Course and will cover the central portion of the Government's part of the building, the Great Library, Convocation Hall and the Benchers' Quarters. An existing pamphlet is being revised and is expected to be ready in time to be handed out during the tours. A larger pamphlet is being designed and costed with a view to having it available at cost to those taking the tours and to other visitors to the building. Final cost estimates are not yet available.

Noted

INSTITUTIONAL ADVERTISING

(a) Pamphlets

Five copies of each of the five pamphlets have been distributed to Legal Aid offices and all community based clinics and to all County and District Law Associations. At the request of Carleton Law Association, an additional 500 sets were sent there. Mr. Beaufoy reports that he has received requests from Legal Aid offices and clinics for about 2,000 further pamphlets and from the University of Ottawa for 500 copies of each pamphlet.

The question of further distribution was before the Committee. There are approximately 8,500 sets of pamphlets on hand.

The Committee recommended that the balance on hand be distributed as needed.

(b) Panels on Family Law Reform Act

At its meeting on February 8th, the Committee recommended approval of the expenditure of $1,500 in connection with a film television playlette, the balance of the cost to be borne by the Attorney General's Department. On 10th May, the Society was asked to pay $4,750 to Robertel Limited to be used to pay the actors and others involved in producing the film. This was paid by cheque. The Committee was asked to ratify the expenditure of $3,250.

The film was shown at the meeting.

Approved

THE REPORT WAS ADOPTED

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

....

The Treasurer and Benchers had as their guest for luncheon Miss Sheelah Finlayson.

. . . .

CONVOCATION RESUMED AT 2:20 P.M.

. . . .

PRESENT:

The Treasurer and Messrs. Affleck, Arthurs, Barr, Bowlby, Bynoe, Carnwath, Carter, Carthy, Cass, Catzman, Chilcott, Doran, Farquharson, Ferrier, Furlong, Ground, Lamont, Lerner, McWilliams, Noble, O'Brien, Ogilvie, Scace, Shaffer, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wardlaw, White, Willoughby and Yachetti.

. . . .

DISCIPLINE COMMITTEE (Continued)

COMPENSATION FUND SUMMARY

Mr. Carnwath presented the Compensation Fund Summary for the period ended 31st May, 1979.

COMPENSATION FUND

For the Period 1st July, 1978 to 31st May, 1979

(11 months)

TOTAL RECEIPTS	$ 461,030.54
TOTAL DISBURSEMENTS	$ 355,934.07
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 105,096.47
BALANCE OF FUND at beginning of period	$1,566,550.49
BALANCE OF FUND at end of period	$1,671,646.96

RESUME OF GROSS OUTSTANDING CLAIMS

CLAIMS RECEIVED and in the course of being processed as at 31st May, 1979	$5,004,931.07

THE SUMMARY WAS RECEIVED

. . . .

SPECIAL COMMITTEE ON ADVERTISING WITH PROFESSIONAL CONDUCT COMMITTEE

Mr. Brendan O'Brien, Chairman of the Special Committee on Advertising, was prepared to present the Report of a joint meeting of the Special Committee with the Professional Conduct Committee on Monday, 30th April, 1979.

Convocation directed the Report to stand for consideration at the September Convocation.

. . . .

LEGAL AID COMMITTEE—Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 6th June, 1979.

The following members were present: John D. Bowlby, Chairman, and Messrs. Barnes, Carnwath, Carter, Ferrier, Mrs. Fleming, Messrs. Gilchrist, Harris, Mrs. Jarmain, Messrs. Jones, Linden, Michon, Nixon, Ogilvie, Ruby, Mrs. Smyth, Mrs. Tait, Mr. Wallace.

REPORT OF THE DEPUTY DIRECTOR

(a) Finance

The Director's report pursuant to Section 95(2) for the first month of the new fiscal year shows that payments from the Legal Aid Fund totalled $1,788,000. Income from all sources totalled $2,587,000, leaving a balance in the Fund at April 30, 1979, of $799,000.

The distribution of the Plan's budget for this fiscal year has not yet been completed and, in any event, comparisons with budget at this early stage are not too meaningful.

(b) Statistics

During the month of April the number of persons making contact with area offices totalled 18,171, which is a decrease of 683 over the same month in 1978. Certificates issued showed a decrease of 592 while persons assisted by Duty Counsel are reported as having increased by 2,823.

Again, it is probably misleading to draw comparisons on the basis of only one month's activity.

A detailed analysis of refusals by Legal Aid area in the form recommended by the Sub-Committee on Statistics was before the Committee and Convocation.

(c) Write-Offs

George E. Wallace, Vice-Chairman, approved the write-offs of the following total of amounts due to the Legal Aid Fund: $40, 580.99.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Activity

	1979/80 Fiscal Year		*1978/79 Fiscal Year*	
	Month of May 1979	*2 Months to May 1979*	*Month of May 1978*	*2 Months to May 1978*
Accounts on hand at beginning	7712	7273	6962	6016
Accounts received	5928	11502	5967	11647
Total Accounts to be processed	13640	18775	12929	17663
Less: Files cancelled	26	58	49	78
Accounts processed	5578	10681	5104	9809
Balance	8036	8036	7776	7776
In addition to the number of accounts for services completed there were:				
Interim Accounts	251	496	233	471

Supplementary Accounts	342	595	305	588
Total	593	1091	538	1059

Reviews

	May 1979	*2 Months May 31, 1979*	*2 Months to May 31, 1978*
Reviews on hand	264		
Reviews received in	97	257	248
	361		
Settlements reviewed in	106	161	378
Settlements awaiting further information	–		
Settlements awaiting review at end of	255		
	361		

Appeals

	March	*April*	*May*
Appeals to Taxing Master received during	1	–	–
Appeals heard by Taxing Master	–	–	2
Appeals pending at the end of the month	6	6	4
Appeals abandoned	–	–	–

Mrs. A. C. R. Rosenthal, Legal Accounts Officer, noted that the backlog in civil accounts reflects the extra time it is taking to tax professional services rendered under The Family Law Reform Act.

JOINT COMMITTEE

(a) Statistical Information – New Legal Aid Tariff

Mr. Ferrier, Chairman of the Joint Committee, appointed to implement proposals for improving the existing Legal Aid Plan, reviewed in depth with the Committee proposals for setting up a more sophisticated system of keeping statistics in connection with the payment of solicitors' accounts.

The statistics will provide the Plan with information which in the future will assist in monitoring the effect of the new tariff and to some extent the type of work lawyers are engaged in under Legal Aid. The statistical information will indicate whether a particular tariff item is out of line (e.g., if accounts are being received which are always in excess of a tariff item, an increase in that tariff may be justified). The statistics will determine time spent by junior members of the Bar compared to time spent by senior members (e.g., junior members may spend more time interviewing clients than senior members of the profession). This information will be useful in the long term.

The Attorney General had expressed concern that the discretionary increase of a fee item provided for under Note "A" may be applied at public expense. The statistics should convince the Attorney General's Management Board that any discretionary increase is being carefully implemented.

It is hoped that improved statistics will assist the Plan when it has to return to the Government for an increase in the tariff. The statistics may also assist the Law Society in rebutting criticism which is levelled at the Ontario Legal Aid Plan.

The Legal Accounts Officer indicated that extracting such statistical information might delay the payment of accounts and that more Accounts Examiners would have to be hired. The Legal Accounts Officer noted that the underlying problem in keeping up to date with the current workload is the time lost through present Accounts Examiners having to train new staff. Although the Government has indicated that it is willing to approve funds required for an increase in the Legal Accounts staff, nevertheless a problem could exist in ensuring that current accounts are promptly paid.

After an indepth review the Committee recommended that a proposed motion, "that for the first six months statistical analysis be only completed on every tenth account", be tabled until the July meeting of the Legal Aid Committee.

At that time, the Chairman of the Joint Committee and the Legal Accounts Officer will present a report on how the payment of current accounts will not be affected by the extra duties placed on an Accounts Examiner in extracting the proposed statistical data required by the Attorney General.

(b) Pilot Project – Investigators Social Workers

The Chairman of the Joint Committee advised the Legal Aid Committee that approximately 500 questionnaires prepared by Chicago consultants had been received back from the profession in York County and forwarded to Chicago for analysis. The consultants will present recommendations on how to implement the pilot project with respect to the investigators within the next several months.

(c) Criminal Legal Aid Panel – York County

In May Convocation approved a proposed amendment to the Legal Aid Regulation providing for the re-drafting of criminal Legal Aid panels in York County. A lawyer wanting to do criminal work in York County will not be able to place his/her name on the panel unless he/she has 10 points. The lawyer with 100 points will be categorized as "experienced criminal counsel". Therefore, Convocation approved criteria to be met by members who are qualified to act in serious criminal cases. For this purpose, Convocation defined serious criminal cases as those offences for which the maximum penalty is 10 years or more imprisonment.

It was drawn to the Legal Aid Committee's attention that certain offences which are high volume offences and which are usually not extremely serious, fall within this definition. The Legal Aid Committee, therefore, approved the recommendation that the definition of a serious criminal case be amended by excluding the offences of:

(a) break and enter;
(b) theft;
(c) possession of goods obtained by crime;
(d) trafficking in narcotics.

A Legal Aid applicant charged with a criminal offence will be shown a list containing all the names of criminal Legal Aid lawyers. However, an applicant charged with a serious indictable offence will be shown the same panel list which contains names of members qualified to act in serious criminal cases, identified by an asterisk. The applicant will always be free to select counsel of his choice.

(d) Participation in the Plan by senior counsel

The Chairman of the Joint Committee reminded the Committee that one of the recommendations which had been made by the Sub-Committee appointed to Study the Delivery of Legal Aid Services was that senior members of the Bar be encouraged to assist junior lawyers, especially in difficult criminal cases.

The Chairman stated that Harold Levy, solicitor, had been retained to assist in the development of this project and that a report would be forthcoming.

(e) Research Facility

The Joint Committee Chairman informed the Committee that Kenneth Chasse, solicitor, hired as Research Director, would commence his duties on July 1st. The Chairman noted that after Mr. Chasse had acquainted himself with the Plan he will, in consultation with the Joint Committee, make recommendations concerning the staffing and location of the research facility.

CLINICAL FUNDING COMMITTEE

On June 5th, 1979, the Clinical Funding Committee submitted a report to the Director recommending to the Director, and subject to the approval of Convocation, further funding for the Toronto Community Legal Assistance Services.

The Director recommended to Convocation that the report of the Clinical Funding Committee dated June 5th, 1979, be adopted.

The following is a summary of this one application for additional funding considered subsequent to the reports to Convocation dated 11th April, 1979 and 5th May, 1979, recommending amounts of funding for the fiscal year 1st April, 1979 to 31st March, 1980:

Applicant	*Allocation*	*Amount*
Toronto Community Legal Assistance Services, Toronto	Salary and benefits for a third lawyer	$16,000

LIMITATION OF CRIMINAL CERTIFICATES

At its meeting on July 12th, the Legal Aid Committee approved the following recommendation:

> "That only 90 certificates be granted to a lawyer on a criminal Legal Aid panel for a fiscal year and that this number not be exceeded unless the lawyer applying establishes that the number of lawyers practising criminal law in his local area is such that an increase is warranted."

Convocation approved this recommendation.

At its November meeting the Legal Aid Committee acknowledged that there are some administrative procedures to be clarified in applying this new rule. Several of the solicitors applying for an increase pointed out that this new policy had been introduced half way through the fiscal year and this was most unfair. They pointed out that if they had known of such a limitation earlier they would have conducted their legal aid practice in a different way. Your Committee, therefore, recommended that, subject to their approval, solicitors be permitted to acknowledge up to a maximum of 125 criminal certificates for the current fiscal year, however, a new directive has now been widely circulated among all the solicitors who are likely to be affected and will be adhered to in the forthcoming fiscal year.

At the April meeting the Associate Provincial Director informed the Committee that there were solicitors who had been given permission to accept 125 certificates by the Legal Aid Committee but who had exceeded the limit and there were also solicitors who had not submitted an application to go beyond 90 certificates and were now in excess of that number.

The Committee requested that the Chairman write the solicitors asking them to explain their reasons for not abiding by the Legal Aid Committee's policy. The Chairman wrote six solicitors from Hamilton, Kitchener, Ottawa, Toronto and

Windsor. Replies were received from all solicitors and after an indepth review of the letters of reply the Committee recommended approval be given to each lawyer with respect to the excess of certificates taken over the limitation.

AREA COMMITTEES

Section 4(1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended the following be appointed as members of the Area Committees in:

Waterloo County

J. H. Tait, solicitor, Kitchener.

Hastings and Prince Edward Counties

Richard Ketcheson, solicitor, Belleville.
Peter Girard, solicitor, Belleville.

THE REPORT WAS ADOPTED

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PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 7th June, 1979.

The following members were present: Messrs. Ground (Acting Chairman), Carnwath, Catzman, Humphrey, Lamont, Lerner, McWilliams, Outerbridge, Mrs. Sutherland, Messrs. Wardlaw and Yachetti.

1. ELECTION OF CHAIRMAN AND VICE–CHAIRMEN

It was moved, seconded and *carried* in Committee that Mr. J. D. GROUND be elected Chairman and Messrs. P. GENEST and R. D. YACHETTI be elected Vice-Chairmen of the Professional Conduct Committee.

2. DISBURSEMENTS

In November 1977 the Discipline Committee reported to Convocation that it had been decided that the Chairmen of the Discipline Committee and the Professional Conduct Committee would appoint a sub-committee to consider the propriety of certain charges for disbursements being made by a number of lawyers. It had come to the attention of the Society that in some instances solicitors in real estate and related transactions quoted to a prospective client a flat fee for services to be performed in a transaction and subsequently billed the client for that fee plus actual disbursements, indirect disbursements such as overhead and on occasion perhaps "disbursements" that were not made or incurred. The Sub-Committee composed of Mr. Furlong as Chairman, Mrs. Legge and Mr. Carnwath submitted its report to the Discipline Committee.

In February 1979, after considering the Sub-Committee's report, the Discipline Committee recommended its adoption to Convocation. Two motions were made in Convocation respecting the report. One concerned an amendment to the wording of one paragraph and the other referred the report to the Practice and Insurance Committee for consideration and report to Convocation.

In March 1979 the Practice and Insurance Committee included in its report to Convocation an item respecting the Sub-Committee's report. The item was tabled by Convocation to be brought forward at the next Convocation.

In April the Practice and Insurance Committee brought the item back to Convocation with the recommendation that the matter be referred to the Professional Conduct Committee with the suggestion that that Committee consult with a representative or representatives of the Special Committee on Advertising.

Accordingly this matter has been considered by the Professional Conduct Committee which recommended that present Rule 10 on page 28 of the Professional Conduct Handbook be redesignated as Rule 10.1 and new Rule 10.2 respecting disbursements with a commentary be inserted.

Convocation considered the proposed wording of the new Rule and Commentary. By motion Convocation deleted one paragraph and renumbered the remaining paragraphs of the wording.

As so amended Rule 10.2 is as follows:

"Any solicitor quoting a flat fee plus disbursements for a professional service is under a professional obligation to give such details of expected disbursements as to fully inform the client, insofar as is reasonably possible, of the type and extent of such disbursements."

"Commentary

1. It is not improper for a solicitor to charge as a disbursement any payment actually made, or for which a solicitor is liable, in the specific transaction to persons or offices not directly or indirectly employed or controlled by the solicitor's office and which are for services or materials necessary to enable the solicitor to properly carry out his obligations in the transactions.

   Examples, in the context of a real estate transaction and not intended to be exhaustive, include registry office payments for searches, Section 88 of The Bank Act, searches, searches for security registrations, bankruptcy searches, land transfer tax and municipal taxes.

2. It is improper for a solicitor to charge as a disbursement any direct or indirect cost incurred for a labour or service portion of a transaction by any person who is an employee of the solicitor, of the solicitor's office or of any company or other firm in which the solicitor has a direct or indirect financial interest. Where a labour or service portion of a transaction, e.g. a title search or closing of a real estate transaction, is to be delegated to any other person a client should be advised that there will be a disbursement for the fees of such other person. Services performed by such other person must be included in estimating such disbursement.

3. Items normally included as a part of office cost or overhead are not, in whole or in part, to be charged as disbursements. Any practice of charging to clients as a disbursement a proportion or percentage of a law office's long distance telephone accounts, photocopying expenses, transportation and other items of a similar general nature should be discontinued.

4. It is not improper to charge a client disbursements for long distance calls, photocopying, transportation, and other similar items payment of which has been actually made or expenses actually incurred in connection with the client's transaction and provided all such payments and expenses are reasonable.

5. Admittedly some charges such as photocopying may be difficult of precise cost calculation and in those areas reasonable actual costs may vary greatly and be dependent in part upon the size of a firm, type of photocopying equipment and volume of photocopying produced. The question of specific charges for photocopy reproduction should be resolved between a solicitor and his client, with the intervention of the Taxing Officer when appropriate and necessary.

6. Without limiting the foregoing solicitors as a general rule ought to inform a client in advance of any disbursement that the solicitor is aware may be incurred and which a client might not reasonably be expected to anticipate being made in addition to the fee quoted or estimated."

3. It was moved, seconded and *carried* in Convocation that this item be referred back to the Committee for further consideration.

4. The Companies Division of the Ministry of Consumer and Commercial Relations referred to the Society an application for incorporation of an organization to be known as Ottawa Lawline. The proposed objects are as follows:

(a) to establish, promote, operate, administer, advertise, and secure financial and other support for a telephone law information service or services, and a lawyer referral service or services;

(b) to establish, promote, operate, administer, advertise, and secure financial and other support for any other appropriate legal information or assistance service or services which may from time to time be approved by the directors of the corporation;

(c) to accept donations, gifts, legacies, and bequests to be used by the corporation to further the foregoing objects.

The applicants are all law students. The Ministry advised that they have on file a letter from C. B. Sproule, Professor of Law at the University of Ottawa, stating that the Faculty of Law has given approval to the application.

The Committee, after due consideration, instructed the Secretary to advise that it does not approve of either the name or the objects.

5. LOGOS

In its April 1979 Report the Committee included the following item:

> "At its March meeting your Committee considered two logos that were being used by two separate law firms on their letterhead. The Committee at that time was of the view that the use of logo was objectionable since it was not permitted under paragraph 6 of the Commentary to Rule 13. There has now come to your Committee's attention three additional logos. The Secretary has been instructed to advise the law firms concerned as to the opinion expressed at the March meeting. Your Committee is concerned that other firms may be considering the use of logos and therefore recommends that it be brought to the profession's attention that Rule 13 does not permit the inclusion of logos on firm letterheads."

Since then the Committee's attention has been drawn to further logos. In each instance the Secretary has been instructed to write to the members concerned advising as to the Committee's opinion. Some of the members replied that they have on hand substantial stock. The Committee instructed the Secretary to inform them that it will be in order to use up their existing supply on the understanding that any new orders will delete the logos.

It was moved in Convocation, seconded and *lost* that this item be deleted.

THE REPORT AS AMENDED WAS ADOPTED

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LEGISLATION AND RULES COMMITTEE–Mr. Furlong

Mr. P. G. Furlong, Chairman, presented the Report of the Legislation and Rules Committee of its meetings on Monday, 7th May, and Monday, 14th May, 1979, which was stood over from the regular May Convocation.

The following members were present at each meeting: Messrs. Furlong (Chairman), Orkin, and Mrs. Legge.

1. ACCOUNTS

There were before the Committee two accounts in connection with services rendered in respect of the incorporation of law practices:

Beament, Fyfe, York, Boucher, dated 9th April 1979	$6,378.95
Fraser & Beatty, dated 22nd March 1979	$1,500.00

Approved

2. ESTIMATES 1979–80

The Committee has made its estimate as to expenditures for the coming year and reported to the Finance Committee.

3. FAILURE TO FILE FORM 2 REPORTS

The following item appeared in the report of the Policy Section of the Discipline Committee dated 8th February 1979 which was adopted by Convocation on the 16th of that month:

> "FAILURE TO FILE FORM 2 REPORTS
>
> Recently instructions were given to issue Complaints against certain members of the profession who had failed to file their Form 2/3 Reports. It was noted that certain defaulters no longer reside in the province. Your Committee was asked whether, in the circumstances, Complaints should be issued against these members. Your Committee answered in the affirmative.
>
> Noting that members who fail to pay their annual fees or to meet the requirements of the Errors and Omissions Insurance Programme are suspended, your Committee recommends that legislation be obtained to permit the suspension of those members who default in the filing of their Form 2/3 Reports."

As a result of Convocation's approval of the above recommendations, this Committee drafted a new section to The Law Society Act which reads as follows:

> 36a. If a member fails to file any statutory declaration or report required by this Act or the Regulations within two months after the day on which filing is due, Convocation may by order suspend his rights and privileges as a member for such time and on such terms as it considers proper in the circumstances.

4. PROCEDURE RE POST–SUSPENSION AND POST–DISBARMENT

The report of the Policy Section of the Discipline Committee dated 8th March 1979 was adopted by Convocation on the 16th of that month. The report dealt with the procedures to be followed to wind up or assist in the winding-up of a disbarred member's practice or to assist in the interim conduct of a suspended member's practice. Amendments to section 34 of The Law Society Act were recommended and a draft of that section was referred to this Committee.

Upon consideration of the matter, this Committee recommended that the existing section 34 of the Act which reads:

> "34. If a member is found guilty of professional misconduct or of conduct unbecoming a barrister and solicitor after due investigation by a committee of Convocation, Convocation may by order cancel his membership in the Society by disbarring him as a barrister and striking his name off the roll of solicitors or may by order suspend his rights and privileges as a member for a period to be named or may by order reprimand him or may by order make such other disposition as it considers proper in the circumstances."

be repealed and the following be substituted therefor:

> 34.–(1) If a member is found guilty of professional misconduct or of conduct unbecoming a barrister and solicitor after due investigation by a committee of Convocation, Convocation may by order cancel his membership in the Society by disbarring him as a barrister and striking his name off the roll of solicitors or may by order suspend his rights and privileges as a member for a period to be named or may by order reprimand him or may by order make such other disposition as it considers proper in the circumstances.
>
> (2) Within 7 days from the effective date of cancellation of his membership or suspension of his rights and privileges, a former member or a member shall satisfy the Secretary that he has made suitable arrangements for making available to his clients or to some other member or members instructed by either his clients or himself:
>
> (a) all wills, documents evidencing title, books of account, records and vouchers, and all papers in his possession or control relating to any trust;

(b) all money and other property held by him on behalf of his clients; and

(c) all files and papers in his possession or control relating to clients' matters,

and if he fails so to satisfy the Secretary, sections 42 and 43 may be applied mutatis mutandis in relation to him.

(3) For the purposes of subsection 2, the expression "effective date" means the latest of the following dates:

(a) the date of the order of Convocation by which his membership is cancelled or his rights and privileges are suspended;

(b) the last date on which an appeal against that order may be lodged;

(c) the date on which any such appeal is dismissed or abandoned.

5. SECTION 31 OF THE LAW SOCIETY ACT

The Finance Committee in its November 9th, 1978 report raised the question of whether section 31 of The Law Society Act applies to members of the Ontario Bar who are appointed to judicial office outside of Ontario. As a result of a discussion in Convocation, a motion was carried that the Discipline Committee be asked to consider proposing an amendment to this section to the effect that if a judge is removed from office or resigns in circumstances which might have resulted in removal, Convocation will have the discretion of whether to permit his membership in the Society to be restored.

Subsequently, the Discipline Committee concluded that this was a matter better dealt with by the Admissions Committee. The report of the Admissions Committee dated 8th March 1979 which was adopted by Convocation on the 16th of that month recommended a proposed amendment to section 31 subject to the approval of this Committee.

Section 31 of the Act presently reads:

"31. The membership of any member or former member who has assumed office or hereafter assumes office as,

(a) a full-time judge under any Act of the Parliament of Canada; or

(b) a full-time judge under The Provincial Courts Act, or The Small Claims Courts Act; or

(c) the Senior Master or a full-time master or a full-time assistant master or a full-time local master of the Supreme Court or a full-time taxing officer,

is, while he continues in any such office, in abeyance, and, upon his ceasing to hold such office, shall be restored by his giving notice in writing to such effect to the Secretary."

This Committee recommended that section 31 be amended so that it will read as follows:

31. The membership of any member or former member who has assumed office or hereafter assumes office as,

(a) a full-time judge under any Act of the Parliament of Canada; or

(b) a full-time judge under any statute of any of the Provinces of Canada; or

(c) the Senior Master or a full-time master or a full-time assistant master or a full-time local master of the Supreme Court or a full-time taxing officer,

is, while he continues in any such office, in abeyance, and upon his ceasing to hold such office, shall, save as hereinafter provided, be restored by his giving notice in writing to such effect to the Secretary; provided tht if he is removed from office or resigns in circumstances which might have resulted in removal, Convocation may in its discretion refuse to permit his membership in the Society to be restored or permit such restoration subject to such conditions as Convocation may see fit to impose.

6. JOINT COMMITTEE ON FOREIGN ACCREDITATION

The report of the Joint Committee on Foreign Accreditation which was adopted by Convocation on the 16th of March 1979 recommended that a "Certificate of Qualification" issued by the Joint Committee be accepted as academic qualification for admission to the Bar Admission Course. The Admissions Committee in its April 1979 report set out a draft amendment to section 26 of the Regulation. This was approved by Convocation for submission to this Committee.

In June 1978, subsection 3 of section 4 of the Regulation was repealed. It dealt with the admission of applicants from the Province of Quebec. In view of this previous amendment and in order to implement the changes recently approved by Convocation, this Committee recommended the following amendments to section 26 of the Regulation:

1. subsection 5 should be amended;
2. subsection 6 should be repealed;
3. clause (b) of subsection 7 should be deleted;
4. existing subsection 7 should be repealed and substituted and renumbered to be subsection 6.

The amended part of section 26 which relates to admission will read:

> 26.–(5) The academic qualification for admission to the Bar Admission Course as a student-at-law is,
>
> (a) graduation from a law course in a university in Canada which is approved by Convocation; or
>
> (b) a Certificate of Qualification issued by the Joint Committee on Foreign Accreditation appointed by the Federation of Law Societies of Canada and the Committee of Canadian Law Deans.
>
> (6) An applicant for admission as a student member in the Bar Admission Course shall file with the director on or before the last business day in the month of August,
>
> (a) a completed application;
>
> (b) a certificate of graduation for a law course in a university in Canada which is approved by Convocation, or a Certificate of Qualification issued by the Joint Committee on Foreign Accreditation appointed by the Federation of Law Societies of Canada and the Committee of Canadian Law Deans;
>
> (c) a certified copy of pre-law university record; and
>
> (d) articles of clerkship.

7. RULE 50

The reports of the Finance Committee and the Legal Education Committee which were adopted by Convocation on the 16th of March 1979 recommended an increase in the tuition fees for student members from $575 to $603.

In order to conform with the wording of subsection 6 of section 26 of the Regulation which appears above, it is necessary also to amend Rule 50 with respect to the last date on which student fees are to be paid.

The relevant parts of Rule 50 as amended will read:

FEES

50. The following fees and levies are payable to the Society in the circumstances, at the times, and in the amounts specified:

STUDENT MEMBERS

Upon becoming a student member of the Society, payable upon filing application on or before the *last business day in the month of August*	$101

. . . .

Upon commencing the teaching period of the Bar Admission Course, payable on or before the 1st day of September of the year in which the teaching period is commenced	$603

8. SUB–COMMITTEE ON TRUSTEESHIPS

At the March 1979 Convocation, there was considered the report of a sub-committee of the Discipline Committee which had been appointed to look into the question of trusteeships. That sub-committee recommended that section 9 of The Law Society Act be amended, that section 42 of the Act as presently known be repealed and a new section substituted therefor, and that section 43 of the Act be amended, and also recommended the appointment of a Trusteeship Committee. Set out below are the aforementioned sections as amended or substituted in order to give effect to Convocation's adoption of the sub-committee's report.

Section 9

9. No action or other proceedings for damages shall be instituted against *the Society,* the Treasurer or any bencher, official of the Society, or person appointed in Convocation for any act done in good faith in the performance or intended performance of any duty

or in the exercise or intended exercise of any power under this Act, a regulation or a rule, or for any neglect or default in the performance or exercise in good faith of any such duty or power.

Section 42

42.–(1) If the Treasurer, the Secretary, or the chairman or a vice-chairman of the Trusteeship Committee has reasonable cause to believe that:

(a) a member has been guilty or may be guilty of professional misconduct or conduct unbecoming a barrister and solicitor;

(b) a member's practice has been or may be neglected to the prejudice of any person;

(c) inadequate provision has been made by a member for the protection of his client's interests;

(d) for any other reason intervention is necessary or desirable for the protection of the public or the member's clients,

a judge of the Supreme Court may, upon an ex parte application by the Society, by order permit the Society to intervene in the practice of the member.

(2) The order may,

(a) direct that any property described in the order shall not be paid out or dealt with by the person or persons named in the order without the consent of the Society;

(b) direct that any interest of the member in any money or other property to which he is or becomes entitled while the order is in force, including his interest as a trustee, be vested in the Society to be held and administered in accordance with section 43.

(3) Any person may apply to a judge of the Supreme Court for an order varying or discharging any order made under this section or section 43.

(4) For the purposes of this section and section 43, "member" includes former member, deceased member, student member, and the personal representatives of a member, former member, deceased member, or student member, and a member or student member whose rights and privileges have been suspended.

Section 43

42.–(1) All money or property vested in the Society by an order under section 42 shall be held in trust and administered by the Society, or such person as the Society may appoint, to preserve, carry on or wind up the practice of the member, subject to the interest of any other person.

(2) Subject to any order referred to in this section, the Society may,

(a) distribute the money or property to any person entitled thereto;

(b) propound a scheme for the purposes of this section and submit the same to a judge of the Supreme Court for approval.

(3) The judge may in any order under this section make provision for the remuneration, disbursements and indemnification of the trustee out of such moneys or otherwise as the judge may specify. All expenses incurred by the Society in connection with an order made pursuant to section 42 and this section, and not otherwise recovered, shall be a debt of the member to the Society.

This Committee has made no provision for bringing into effect the Trusteeship Committee. Before so doing, Convocation is asked whether this new committee will be a standing committee. It is noted that rule 28 requires that with the exception of the Admissions Committee, the Public Relations Committee and this Committee, all standing committees of Convocation shall be composed of not less than eight benchers. It is also noted that the aforementioned sub-committee report states " ... members of the Trusteeship Committee should not be members of the Discipline Committee or at least not members of the Policy Section of that Committee." This Committee respectfully requests the direction of Convocation whether the members of the proposed Trusteeship Committee may be members of either the Discipline Committee or the Policy Section of that Committee and directs Convocation's consideration to the consequence of thereby decreasing the number of benchers who may be available for Discipline Committee hearings.

THE REPORT WAS ADOPTED

. . . .

UNAUTHORIZED PRACTICE COMMITTEE–Mr. Tobias

Mr. P. B. Tobias, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 7th June, 1979.

The following members were present: Messrs. Tobias (Acting Chairman), Carter, Chilcott, Furlong and White.

1. It was moved, seconded and *carried* in Committee that Mr. P. B. Tobias be elected Chairman and Mr. W. D. Chilcott be elected Vice-Chairman of the Unauthorized Practice Committee.

2. Two accounts of counsel were approved.

3. The Secretary reported that counsel had completed his investigation of an individual in Ottawa. The Secretary was instructed to write to the solicitor that complained to the Society sending him a brief of the decided cases and asking him if he has any further evidence of the individual being engaged in unauthorized practice.

4. The Secretary reported that a complaint by a solicitor concerning an individual giving legal advice in a conveyancing matter had been tabled from the May meeting. The Secretary was instructed to write to the complaining solicitor enclosing a copy of the brief of cases on Unauthorized Practice and to request that if the solicitor has any further evidence of the individual contravening Section 50(1) of The Law Society Act he should notify the Society.

5. The Secretary reported that a complaint was received concerning an individual using the term "legal adviser" on his letterhead. The Secretary was instructed to retain counsel to investigate this matter to see whether there was sufficient evidence of a contravention of Section 50(1) of The Law Society Act.

6. The Secretary reported that a complaint had been received that an individual was holding himself out to be a barrister and solicitor. The Secretary was instructed to refer this matter to the Society's investigator for an investigation.

7. The Secretary reported that he had received a complaint from the President of the Rainy River District Law Association that an individual was carrying on a conveyancing practice and giving legal advice contrary to Section 50 of The Law Society Act. The Secretary was instructed to retain counsel to investigate this matter and if the investigation disclosed sufficient evidence to refer the matter to the Chairman for further instructions.

8. The Secretary reported that on May 15th, 1979, an individual was acquitted in Provincial Court on a charge of holding himself out to be a solicitor. The Secretary was instructed to retain counsel to appeal the acquittal.

9. The Secretary reported that an individual was acquitted on May 29th, 1979, on a charge of holding himself out as a solicitor. The Secretary was instructed to obtain an opinion from counsel for the Law Society as to the possibility of an appeal.

10. The Secretary reported that a complaint was received that an individual was holding himself out as a solicitor by giving legal advice to immigrants. The Secretary was instructed to refer this matter to the Society's investigator to interview the individuals who had received the legal advice. The results of the investigation are to be referred to the Chairman for further instructions.

11. It was moved in Convocation, seconded and *carried* that this item be deleted and the question referred to the Special Committee on House Counsel.

12. The Secretary reported that he had received a complaint that a company was registering liens for the common expenses payments owed to a condominium corporation by the unit holders. The Secretary was instructed to write to the solicitor who complained enclosing a brief of the decided cases and ask if the solicitor has any further evidence of legal advice by the company.

13. The Secretary reported that the Committee had been asked for clarification of its ruling given in November 1978 to students who wished to do legal research for solicitors. The Secretary was instructed to advise the students that legal

research, as long as it is not a legal opinion, is not unauthorized practice providing the legal research is supervised by a solicitor who is a member of the Law Society. The Secretary was also instructed to advise the students that before proceeding they should be sure that they have received authority to use the name "Osgoode". The students proposed to use the name Osgoode Legal Research Foundation.

14. The Secretary reported that he had received a letter concerning estate planning advice that was being given to persons, planning their estates, free of charge. The Secretary was instructed to refer the matter to the Professional Conduct Committee concerning the question of a trust company instructing a solicitor to draft a Will for a client of the solicitor's and the possibility that there might be a risk if the solicitor proceeded without specific instructions from the client.

The Committee recommended that a Special Committee be appointed to look into the agreement for compensation which prospective clients of the trust company were asked to sign to see whether that agreement contravened the joint statement of the Law Society and the Trust Companies Association.

THE REPORT AS AMENDED WAS ADOPTED

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CONVOCATION ROSE AT 4:40 P.M.

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Confirmed in Convocation 21st September, 1979.

G. D. FINLAYSON

Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Wednesday, 1st August, 1979
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Barr, Bowlby, Brulé, Carnwath, Carter, Carthy, Cass, Catzman, Chilcott, Cooper, Doran, Fennell, Ferrier, Genest, Ground, Henderson, Humphrey, Lamont, Mrs. Legge, Messrs. Maloney, McWilliams, Noble, Outerbridge, Ruby, Scace, Shaffer, Thom, White, Willoughby and Yachetti.

....

LEGAL EDUCATION COMMITTEE – Mr. Carthy

Mr. J. D. Ground presented six Reports with respect to petitions by way of appeal from failure by six students in the 20th Bar Admission Course. The first three petitions were heard by the Legal Education Committee on Wednesday, 11th July, 1979, and the remaining three petitions were heard by the Legal Education Committee on Thursday, 12th July, 1979.

On 11th July the Committee consisted of: J. D. Ground, Chairman, Messrs. Doran, Lamont and Wardlaw. The Director of Legal Education was also in attendance.

In each case the Committee read and considered the records of the applicant's course performance and other relevant material from the Bar Admission Course files.

Each applicant attended before the Committee, one being accompanied by counsel. The Committee considered briefs submitted by two applicants and by counsel on behalf of the third applicant. The Committee heard oral evidence from each of the applicants and as well evidence from a witness called on behalf of one applicant.

Two of the applicants had matrimonial problems during the teaching term of the Bar Admission Course and the resultant stress had an adverse effect on course performance. The third applicant had a medical problem which adversely affected his physical ability to write steadily and quickly in an examination setting.

In each case the Committee recommended that the petition be allowed and that the applicant be given a certificate of successful completion of the Bar Admission Course.

On 12th July the Committee consisted of: Mr. J. A. Brulé, Chairman, Messrs. Doran, Lamont and Wardlaw. The Director of Legal Education was also present. Mr. Ground was in attendance during the hearing of one petition.

In each case the Committee read and considered the records of the applicant's course performance and other relevant material from the Bar Admission Course files.

Each applicant attended before the Committee, two being accompanied by counsel. The Committee heard oral evidence from each applicant and submissions from counsel representing two of the applicants. With respect to one applicant the Committee also heard oral testimony from the Head of the Civil Procedure I Section of the Bar Admission Course and from a representative of the applicant's employer. With respect to another applicant the Committee gave consideration to several letters presented in support of the petition.

The grounds of the appeals were, with respect to the first applicant, that there was an error in the mark attributed to the applicant in the Civil Procedure I examination and a pass mark should have been given and illness during the teaching term; with respect to the second applicant, that the applicant's writing is extremely poor and difficult to read and in consequence lower marks had been given than might otherwise have been given and because of emotional stress caused by the death of his grandfather and great-grandmother during the first half of the teaching term; and with respect to the third applicant, the regularity of his attendance throughout the course.

In each case, the Committee found that the petitioner had not shown exceptional or extenuating circumstances which could account for a manifest failure in the course and recommended that the petition by way of appeal from failure in the Bar Admission Course be denied.

THE REPORTS WERE ADOPTED

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PROFESSIONAL CONDUCT COMMITTEE – Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 28th June, 1979.

The following members were present: Messrs. Ground (Chairman), Yachetti (Vice-Chairman), Arthurs, Carnwath, Catzman, Fennell, Humphrey, Lamont and Outerbridge.

1. The following item appeared in this Committee's report to the June Convocation:

> "Recently a law firm received a letter from a municipality enclosing terms of reference that had been approved by the council of that municipality respecting a proposed relationship between the municipality and a firm of solicitors for the purposes of carrying out the legal requirements of that municipality. The letter went on to invite the law firm to tender for the municipal legal work. A member of the firm has asked your Committee whether it is proper for lawyers to respond to invitations to tender such as this.
>
> "Your Committee instructed the Secretary to advise that in its opinion it would be improper to respond to a written invitation to tender of the nature that has been circulated by the municipality."

This item was referred back to the Committee for further consideration.

The Committee is now of the opinion that it would not be considered professional misconduct for a solicitor to respond to a written invitation of the type circulated by the municipality concerned.

2. It was moved, seconded and *carried* that this item be deleted.

3. The Committee considered the status of various of its Sub-Committees and made the following changes:

(a) Three separate Sub-Committees were appointed to deal with various aspects of the new provisions with respect to advertising. These Sub-Committees were "Propriety of Various Advertisements", "General

Circulation" and "Definition of Place". They have now been combined under the Chairmanship of Mr. Outerbridge with Messrs. Carnwath, McWilliams and Yachetti.

(b) There has been a standing Sub-Committee to deal with problems in criminal law that may arise from time to time. Mr. Bynoe has been appointed Chairman.

(c) Contacting the Press: This Sub-Committee has been reconstituted with Mr. Catzman as Chairman and Mr. Outerbridge. In all probability additional personnel will be added to this Sub-Committee.

(d) Professional Relationship between an Ontario and an English Lawyer: This Sub-Committee under the Chairmanship of Mr. Tobias is to continue as previously constituted, namely, with Mr. McWilliams and Mr. Outerbridge as members.

4. Various other matters were considered with appropriate instructions being issued in each instance.

THE REPORT AS AMENDED WAS ADOPTED

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ADMISSIONS COMMITTEE – Mrs. Legge

Mr. J. D. Ground presented the Report of the Admissions Committee of its meeting on Wednesday, 18th July, 1979.

The following members were present: Mrs. L. L. Legge (Chairman), Messrs. Affleck, Carthy, Cooper, Ground, Lamont and Scace.

CALL TO THE BAR FOR OCCASIONAL APPEARANCE

At its meeting on 7th June 1979, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearance in Ontario of lawyers from other Provinces" and that upon giving the necessary undertaking he be called to the Bar and admitted as a Solicitor at the June

Convocation. However, he was not able to attend Convocation in June, and asked to be called to the Bar and admitted as a Solicitor at the August Convocation. The Treasurer granted permission for this.

Roy Lacaud Heenan	Province of Quebec

Approved

ACCOUNT FOR APPROVAL

The Committee was asked to approve the account of Dr. R. E. Stokes to cover his services in connection with John Robert Crerar's consultation. The account in the amount of $50.00 was before the Committee.

Approved

DIRECT TRANSFER FROM QUEBEC

The Committee had before it for consideration an application to transfer to practise in Ontario by a Quebec lawyer who sought to proceed under Regulation 4(2) and to be granted permission to write the common law examination on 11th and 18th September, 1979.

Approved

THE REPORT WAS ADOPTED

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CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation and was called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer:

Roy Lacaud Heenan

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DISCIPLINE COMMITTEE – Mr. Carnwath

Mr. J. D. Carnwath, Chairman, placed a matter respecting a solicitor before Convocation, which began consideration of the matter.

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

....

CONVOCATION RESUMED AT 2:00 P.M.

....

DISCIPLINE COMMITTEE (Continued)

Convocation resumed consideration of the matter before it.

After lengthy deliberations the matter was adjourned to Thursday, 2nd August, 1979, when Convocation would sit again beginning at 10:00 a.m.

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CONVOCATION ADJOURNED AT 5:00 P.M.

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Confirmed in Convocation 21st September, 1979.

G. D. FINLAYSON

Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

RESUMED – Thursday, 2nd August, 1979
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Barr, Bowlby, Carnwath, Carter, Cass, Chilcott, Doran, Farquharson, Fennell, Ferrier, Genest, Henderson, Humphrey, Lamont, Mrs. Legge, Messrs. Maloney, McWilliams, Noble, Outerbridge, Ruby, Scace, Shaffer, White, Willoughby and Yachetti.

. . . .

ADMISSIONS COMMITTEE – Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meetings on Wednesday, 27th June, and Wednesday, 18th July, 1979, with respect to the application of John Robert Crerar to be readmitted to membership in the Society.

The following members were present on each of the two days: Mr. Ground (in the Chair), Messrs. Carthy and Lamont and Mrs. L. L. Legge.

Mr. Crerar was called to the Bar in 1949, practised with his father until his father's death in 1953 and then continued on his own in private practice. As a result of spot audits carried out in 1963, certain irregularities were discovered in Mr. Crerar's trust account. The Discipline Committee at that time, after hearing, recommended disbarment. Convocation, after hearing submissions on behalf of Mr. Crerar including those of certain psychiatrists, permitted Mr. Crerar to resign from the Law Society in April 1964.

Mr. Crerar applied for readmission in 1972 and his application was refused.

In April of this year Mr. Crerar again applied for readmission to membership in the Society.

From 1964 until 1970 Mr. Crerar was employed by a steel construction company in Hamilton. He then completed the requirements for an elementary school teacher's certificate and a secondary school teacher's certificate and has taught as a supply teacher in the Hamilton area since 1971.

Mr. Crerar attended before the Committee on 27th June 1979, represented by his counsel, Mr. Ian R. A. McCallum, Q.C. Mr. Thomas Lockwood appeared on behalf of the Society. The Committee heard evidence that the problems which had led to Mr. Crerar being permitted to resign from the Society in 1964 had been rectified and that Mr. Crerar had successfully rehabilitated himself and had held responsible positions in business and in the teaching profession from 1964 to the present time. A number of letters supporting such submission were presented to the Committee. The Committee felt that certain of the psychiatric reports presented were inconsistent and to some extent outdated.

The Committee adjourned the hearing and requested that Mr. Crerar submit himself to a psychiatric examination by a psychiatrist to be agreed upon between the Secretary and Mr. Crerar.

Mr. Crerar was examined by Dr. R. E. Stokes on 29th June 1979, and the Committee reconvened on the 18th July 1979 to consider the report submitted by Dr. Stokes and to hear evidence from him. Dr. Stokes' report was to the effect that he could find no contra-indication on psychiatric grounds for Mr. Crerar being admitted to the Bar Admission Course and subsequently readmitted to The Law Society of Upper Canada.

The Committee recommended that Mr. Crerar be readmitted, subject to the conditions that he successfully complete the teaching portion of the Bar Admission Course and that he will not, without the prior consent of Convocation, enter into private practice, except as an employee or partner of a member or members of The Law Society of Upper Canada.

THE REPORT WAS ADOPTED

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DISCIPLINE COMMITTEE – Mr. Carnwath

Convocation resumed consideration of the matter which was before it when it adjourned on Wednesday, 1st August, 1979.

After further consideration the matter was stood over for disposition at a later date.

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GENERAL

Mr. J. D. Carnwath, Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 28th June, 1979.

The following members were present: Messrs. Carnwath (Chairman), Ogilvie (Vice-Chairman), Humphrey and Ruby.

COMPLAINT REVIEW PROCEDURE

The Committee wished to report that the following procedure had been instituted:

(i) A Complaints Review Committee has been established, the composition of which shall be two elected Benchers and one lay Bencher, as appointed from time to time by the Chairman of the Committee.

(ii) In every instance where a complaint has been lodged against a member of the Society and has been disposed of by a member of the Secretariat to the dissatisfaction of the complainant, the complaint shall be referred to a senior member of the Discipline Committee for consideration.

(iii) In every instance where a complaint has been disposed of by a senior member of the Discipline Committee to the dissatisfaction of the complainant, the complaint shall be referred to the Complaints Review Committee.

(iv) A Bencher who has reviewed a complaint in the capacity of a "senior member" shall not sit as a member of the Complaints Review Committee that deals with the same complaint.

REPLACEMENT OF AUDITOR

The firm of Haskins and Sells has been retained to find an auditor to replace Mr. Gerry who resigned on June 30th 1979.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE–
Mr. Farquharson

Mr. G. H. T. Farquharson, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 2nd August, 1979.

The following members were present: Messrs. Farquharson (Chairman), Shaffer, Willoughby and Yachetti, Mr. Henderson by invitation, Miss A. R. McCormick and Mr. D. V. Burnett.

REPORTING

ONTARIO REPORTS

The Secretary submitted a contract which had been negotiated between Canada Law Book Limited and the Law Society for approval. After discussion, the Committee recommended that this contract between Canada Law Book Limited and the Law Society to publish the Ontario Reports for a ten year period commencing January 1st, 1980 be approved subject to the discretion of the Chairman to negotiate changes in Paragraphs 6(a), 9(a) and 9(c).

THE REPORT WAS ADOPTED

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CONVOCATION ROSE AT 12:20 P.M.

. . . .

Confirmed in Convocation 21st September, 1979.

G. D. FINLAYSON

Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Wednesday, 12th September, 1979
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Barr, Bowlby, Bynoe, Carnwath, Carthy, Cass, Catzman, Chadwick, Chilcott, Doran, Ferrier, Furlong, Humphrey, Lamont, Mrs. Legge, Messrs. Lerner, Lochead, McWilliams, Noble, O'Brien, Ogilvie, Pepper, Ruby, Strauss, Mesdames Sutherland and Tait, Messrs. Tobias, Wardlaw, White, Willoughby and Yachetti.

....

THE RIGHT HONOURABLE JOHN G. DIEFENBAKER, P.C., C.H., Q.C., HONORARY BENCHER

The Treasurer referred to the death of Mr. Diefenbaker, former Prime Minister of Canada, who died 16th August, 1979, in Ottawa. On 18th March, 1960, Mr. Diefenbaker was called to the Bar of Ontario and by Resolution of Convocation became an Honorary Bencher of the Society.

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DONALD B. McCRIMMON, ASSISTANT SECRETARY

The Treasurer referred to the death of Mr. McCrimmon who died suddenly in hospital on 4th September, 1979. Mr. McCrimmon was an Assistant Secretary of the Society. He was called to the Bar on 28th June, 1956, and left private practice in Toronto to join the Society's staff in April 1976.

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DINNER FOR LORD SCARMAN

The Treasurer announced that a dinner will be given in the

Benchers Dining Room in honour of Lord Scarman on Friday, 21st September, 1979, and that notices had gone forward to the Benchers. Because of the expected response, he urged those Benchers who wished to attend to reply promptly.

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DISCIPLINE COMMITTEE–Mr. Carnwath

Re: SIDNEY V. CWINN, Ottawa

This matter was before Convocation on 15th June, 1979, at which time Convocation agreed to an adjournment to this Special Convocation.

The reporter was sworn.

The solicitor attended with his counsel, Mr. Claude R. Thomson, Q.C., Mr. Gavin MacKenzie with him. The Society was represented by Mr. J. Douglas Crane, Q.C.

Mr. J. D. Carnwath, Chairman, placed the Decision of the Discipline Committee, with proof of service on the solicitor, before Convocation. The reading of the Decision by the Secretary was waived.

The Discipline Committee in its Decision, dated 9th May, 1979, found the solicitor was guilty of conduct unbecoming a barrister and solicitor. He had pleaded guilty and was convicted under the Mann Act in the United States of transporting a girl from Ottawa to Syracuse for the purpose of debauchery. He had also engaged in sexual intercourse with young girls in his employ in Ontario and at various horse shows in the United States between January, 1972 and June, 1976.

It was moved and seconded that the Decision of the Discipline Committee dated 9th May, 1979, wherein the solicitor was found guilty of conduct unbecoming a barrister and solicitor be accepted.

Mr. Thomson made submissions on behalf of the solicitor.

Mr. Crane made submissions for the Society.

Mr. Thomson made submissions in reply.

The solicitor, counsel and the reporter withdrew.

At 11:00 a.m. Convocation adjourned for 15 minutes, resuming at 11:15 a.m.

The motion to accept the Decision of the Discipline Committee was *carried*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Decision had been accepted.

Convocation was advised that the Discipline Committee recommended that the solicitor be disbarred.

On behalf of the solicitor Mr. Thomson made submissions respecting penalty.

Mr. Crane made no submissions.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the motion to accept the Decision of the Discipline Committee was passed unanimously, and that because of the conduct set out in the Decision, Convocation unanimously passed a motion that the solicitor be disbarred and his name be struck off the Roll of Solicitors and his membership in the Society cancelled, which was the only motion placed before Convocation.

The solicitor, counsel and the reporter retired.

NOTE: On 18th September, 1979, the Society was served by the solicitor with a Notice of Appeal and Notice of Application for Judicial Review by the Divisional Court and Notice of Motion for an application to be brought before a Judge of the said Court on 25th September, 1979, for an order staying the Order of Disbarment by Convocation pending the appeal.

Following an adjournment the matter was heard on 2nd October by Craig, J., who ordered that the hearing of the appeal be expedited and dismissed the application to stay the Order of Disbarment, without dealing with the merits of such application.

The appeal was heard by Craig, Eberle and Linden, JJ., on 30th November, when judgment was reserved. In a Judgment released 9th January, 1980, the Court found that "... Convocation was correct in finding the solicitor guilty of conduct unbecoming a barrister and solicitor ...", that the penalty of disbarment is appropriate in the circumstances, "... that it cannot be said that the solicitor did not have a fair hearing before The Discipline Committee and before Convocation ...", and dismissed the appeal and the application for judicial review.

....

PRACTICE AND INSURANCE COMMITTEE–Mr. Brulé

Mr. J. R. Barr, Vice-Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Tuesday, 21st August, 1979.

The following members were present: Messrs. Brulé (Chairman), Barr, Chadwick, Doran, Noble, Ogilvie and Mrs. Legge. Messrs. Hargraft, Doner and Burnett were present at the Chairman's request.

RISK MANAGEMENT PROGRAMME

The Committee reviewed the course of negotiations with Gestas Limited respecting the cost of coverage for 1980 and stated that a fuller report on this subject will be made to a later Convocation. At present, however, it is apparent that a substantial increase in the levy for Errors and Omissions Insurance coverage will be necessary and that it can be held within tolerable limits only if the Society undertakes an effective risk management programme. The Society's insurers consider the institution of such a programme to be of such importance that they are ready to absorb part of the cost of it by reducing the premium. Peter Norman and Associates which is experienced in such programmes is ready to undertake the job in Ontario in co-operation with the Society's continuing education and Practice Advisory services. The programme will be designed for lawyers and their staffs. It is essential that arrangements to mount the programmes be begun forthwith and accordingly the Committee recommended that a sum equal to $5.00 per insured member be made available immediately out of the Errors and Omissions Insurance Fund to have Peter Norman and Associates begin organization of the Loss Prevention Programme.

ACCOUNTS

The following accounts were approved for payment:

Miss Miriam A. Kelly	$ 650.00
Peter D. Norman & Associates (B.C.) Ltd.	$2,722.00
Peter D. Norman & Associates (B.C.) Ltd.	$4,923.81

REMINDER SYSTEM AND NOTES ON REAL ESTATE SEARCHES

The adjuster reported that there appears already to be some reduction in the proportion of claims resulting from missed limitations and from faulty real estate searches. It is thought that this improvement flows from the Society's requiring members to have tickler systems and to keep notes of search in real estate matters.

THE REPORT WAS ADOPTED

. . . .

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:20 P.M.

. . . .

CONVOCATION RESUMED AT 2:00 P.M.,
THE SAME BENCHERS BEING PRESENT

. . . .

DISCIPLINE COMMITTEE (Continued)

Re: ROBERT JOSEPH STOANGI, Toronto

The Treasurer reviewed briefly the course of the matter through the Discipline Committee and Convocation and referred to the Judgments of Mr. Justice Reid granting temporary stay of Convocation's Order of Disbarment and to the Judgment of the Divisional Court given orally by Mr. Justice Griffiths on 11th July, 1979, setting aside Convocation's Order and directing that the matter be remitted to Convocation for further consideration and to impose the appropriate penalty in the light of the Court's Judgment.

The reporter was sworn.

The solicitor attended with Mr. Alfred M. Kwinter, his counsel. Mr. Thomas J. Lockwood represented the Society.

Counsel were advised that the Reasons for Judgment of the Divisional Court were before Convocation.

Mr. Kwinter advised Convocation that the solicitor did not practise from 27th March, 1979, to the date of Convocation. He made submissions respecting penalty.

Mr. Lockwood made no submissions.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the solicitor be suspended from practice for the period from 15th December, 1978 to 12th September, 1979.

It was moved, but not seconded, that for the reasons appearing in the Recommendation as to Penalty by the Discipline Committee and in its Decision and the reasons expressed in the Reasons for Judgment of the Divisional Court, the penalty recommended by the Discipline Committee (namely, that the solicitor's rights and privileges be suspended for a period of six months from a date to be set by Convocation) be adopted.

It was moved and seconded that the solicitor be suspended for a period of one year from this date on the basis that the Discipline Committee's findings with respect to the "equity letters" warrant it.

It was moved and seconded that for the reasons appearing in the Recommendation as to Penalty of the Discipline Committee and for the reasons expressed by the Divisional Court, but keeping in mind the period from 15th December, 1978, forward in which the solicitor has not been permitted to practise, the solicitor's rights and privileges as a member of the Society be suspended for a period of six months ending 27th September, 1979.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the three motions before Convocation.

In view of the fact that the motion for a suspension of one year exceeds the penalty recommended by the Discipline Committee, the solicitor was offered an adjournment to prepare his submissions. However, counsel for the solicitor decided to proceed after a five-minute adjournment.

Mr. Kwinter made submissions as to penalty.

The solicitor, counsel and the reporter retired.

The first motion for suspension from 15th December, 1978 to 12th September, 1979 was *not put*.

The second motion, not being seconded, was *not put*.

The third motion for suspension for one year from 12th September, 1979 was *lost*.

The fourth motion for suspension for six months ending 27th September, 1979 was *carried*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were informed of Convocation's disposition of the matter.

The solicitor and counsel retired.

....

LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meetings on Wednesday, 11th July, Wednesday, 15th August, and Tuesday, 11th September, 1979.

On 11th July, 1979, the following members were present: Lee K. Ferrier, Vice-Chairman in the Chair, subsequently George E. Wallace in the Chair, Mrs. Fleming, Messrs. Gilchrist, Goodman, Mrs. Jarmain, Messrs. Jones, Linden, Michon, Ogilvie.

On 15th August, 1979, the following members were present: John D. Bowlby, Chairman, Messrs. Barnes, Chadwick, Ms. Cornish, Messrs. Ellis, Ferrier, Mrs. Fleming, Mr. Gilchrist, Mrs. Jarmain, Messrs. Jones, Linden, Michon, Nixon, Noble, Ogilvie, Mrs. Tait, Messrs. Wallace, Yachetti.

On 11th September, 1979, the following members were present: John D. Bowlby, Chairman, Messrs. Barnes, Barr, Chadwick, Ms. Cornish, Mrs. Fleming, Mrs. Jarmain, Messrs. Linden, Nixon, Noble, Ogilvie, Ruby, Mrs. Smyth, Mrs. Tait, Mr. Tobias.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95(2), for the four month period ended July 31, 1979, shows that payments from the Legal Aid Fund were less than budget by $687,000. Of this total $130,000 represents under-expenditure of designated Community Clinic funds. The remaining $557,000 is accounted for as follows:

	$	$
Under Budget		
Criminal certificate accounts	650,000	
Civil certificate accounts	118,000	
Salaried Duty Counsel project	5,000	
Provincial Office costs	53,000	826,000
Over Budget		
Duty Counsel payments	62,000	
Student Legal Aid Societies	184,000	
Area Office costs	9,000	255,000
		571,000
Less: Expenditures with no budget		
Research Facility	11,000	
Special Projects	3,000	14,000
		557,000

The amount of $184,000 for Student Legal Aid Societies represents partial payments under the Youth Secretariat Programme for student summer employment. This amount is recoverable from the Ministry of the Attorney General.

Income from sources other than the Province of Ontario was under budget by $208,000 as follows:

Under budget	*$*
Law Foundation	125,000
Client contributions	4,000
Costs recovered	69,000
Miscellaneous income	10,000
	208,000

As at July 31, 1979, there was a balance in the Fund of $2,469,000.

Statistics

The following table compares reported activity for the first four months of this fiscal year with the activity for the same period in the previous fiscal year:

	4 months ended		*% Change*
	July 31, 1979	*July 31, 1978*	*from last year*
Summary Legal Advice	15,431)		
	)	38,345	– 5.3
Referrals to other agencies	20,888)		
Applications for certificates	38,265	36,983	+ 3.5
Refusals	12,362	11,936	+ 3.6
As a percentage of applications	32.3	32.3	
Certificates issued	27,401	27,262	+ 0.5
Persons assisted by Duty Counsel:			
Fee for service	51,428	46,802	
Salaried Duty Counsel	17,274	10,729	
Total	68,702	57,531	+ 19.4

Write-Offs

Mr. George E. Wallace approved the write-off of the following total of amounts due to the Legal Aid Fund: $13,142.34

All of the accounts are at least three years old.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	August 1979	*5 Months to Aug. 31/79*	*5 Months to Aug. 31/78*
Reviews on hand	308		
Reviews received in	96	529	559
	404		
Settlements reviewed in	18	302	492
Settlements awaiting review at end of	386		
	404		

Appeals

	June	*July*	*August*
Appeals to Taxing Master received during	1	–	1
Appeals heard by Taxing Master	2	–	–
Appeals pending at the end of the month	3	3	4
Appeals abandoned	–	–	–

Activity

	1979/80 Fiscal Year		*1978/79 Fiscal Year*	
	Month of Aug. 1979	*5 Months to Aug. 1979*	*Month of Aug. 1978*	*5 Months to Aug. 1978*
Accounts on hand at beginning	9647	7273	5331	6016
Accounts received	5264	27598	5493	27040
Total Accounts to be processed	14911	34871	10824	33056
Less: Files Cancelled	25	152	27	177
Accounts processed	5143	24976	5586	27668
Balance	9743	9743	5211	5211

In addition to the number of
accounts for services completed
there were:

Interim accounts	246	1208	234	1199
Supplementary Accounts	243	1379	188	1240
Total	489	2587	422	2439

COLLECTION OF STATISTICAL DATA RE: NEW TARIFF

A more sophisticated system of keeping statistics in connection with the payment of solicitors' accounts under the new tariff has been adopted. The statistics will provide the Plan with information which in future will assist in monitoring the effect of the new tariff and the type of work lawyers are engaged in under Legal Aid. The statistical information will indicate whether a particular tariff item is out of line (e.g., if accounts are being received where a discretionary increase in a particular tariff item is always requested, an increase may be justified in that particular item when a new tariff is being considered). It is hoped that the improved statistics will assist the Law Society when it has to return to the government for an increase in the tariff. The statistics may also help in rebutting criticisms which are levelled at the Plan.

The Legal Aid Committee at its June and July meetings expressed concern that the gathering of such statistical information might delay payment of accounts.

The Committee requested a report from the Deputy Director setting out how the payment of current accounts will not be affected by the extra duties placed on Accounts Examiners in extracting the proposed statistical data required by the Attorney General. The Deputy Director reported that in September five additional Legal Accounts Examiners will be hired. Initially they will be trained as coders which should take approximately two weeks. The coders can devote their full energy to the completing of the new statistical Form while the existing staff concentrates on the taxing of accounts. The experience gained in analysing and coding solicitors' accounts will shorten the time usually required to train new examiners which these persons will eventually become.

ENQUIRIES FROM THE NEWS MEDIA

The Public Information Officer placed before the Legal Aid Committee a request from a newspaper reporter asking for information on the individual earnings of lawyers under the Plan.

After deliberations at its meetings in July and August, the Committee was of the view that the Plan should confirm its policy "that the Plan will report the range of earnings and percentages but is not prepared to give individual names" (i.e., 74% of panel lawyers earn less than $5,000, 80% earn less than $6,000, etc.).

APPOINTMENT – AREA DIRECTOR

A. G. B. Campbell, Area Director, Dufferin County, advised the Director that he wished to retire as Area Director. Mr. Campbell has been the Area Director in Orangeville since the Plan's inception. The Dufferin County Area Committee, with assistance from the Dufferin County Law Association, unanimously recommended Miss Carol Allison, solicitor, as Area Director to replace Mr. Campbell.

Miss Allison is well qualified for the position. She has practised law in the county for nine years and has a thorough knowledge of her responsibilities as Area Director. Miss Allison has acted as Area Director in the past when the Area Director has been absent from the office.

The Legal Aid Committee approved the appointment.

LEGAL AID COMMITTEE – OBSERVER MEMBERS

(a) Ministry of Community and Social Services

The Ministry of Community and Social Services is presently re-drafting an applicant's financial eligibility criteria for Legal Aid assistance. The Ministry is also re-vamping its Legal Aid Department.

Robert D. Carman, Deputy Minister, requested that a representative from the Ministry of Community and Social Services be appointed as an observer member.

The Legal Aid Committee approved the appointment of

Mr. Dominic Alfieri, Director, Income Maintenance Branch, to be an observer member for the said Ministry.

(b) The Advocates' Society

E. A. Cherniak, Q.C., President of The Advocates' Society, nominated Robert P. Armstrong, Q.C., of the firm of Tory, Tory, as the observer member for The Advocates' Society.

The Legal Aid Committee approved the appointment of Mr. Armstrong.

CLINIC FUNDING COMMITTEE

On August 21st, 1979, the Clinic Funding Committee submitted a report to the Director recommending to the Director and subject to the approval of Convocation, funding for various projects.

The following is a summary of the report which covers all applications for funding considered and approved by the Committee subsequent to its Report of 5th June, 1979:

	Applicant	*Amount*
1.	Ottawa-Community Legal Services, Ottawa new, funding to commence 1st October, 1979	up to $45,000
2.	Parkdale Community Legal Services, Toronto supplementary funding to permit clinic to relocate in new premises close to present location and renovate, clinic to make budgetary arrangements to make contribution to costs of moving and renovations	up to $30,000

On September 6th, 1979, the Clinic Funding Committee submitted a report to the Director recommending to the Director and subject to the approval of Convocation, the payment of court costs pursuant to s. 152 of the Regulation.

The following is a summary of the relevant portions of the report:

> The Clinic Funding Committee considered and approved an application for payment of court costs pursuant to s. 152 of the Regulation, presented by Parkdale Community Legal Services on behalf of one of its clients.
>
> The Committee has not yet adopted a formal policy respecting

such applications, but because of the urgency of the application it was considered on an interim basis. The Committee resolved that:

Having regard to:

(i) the fact that the clinic's client has contributed approximately 1/3 of the required costs;

(ii) the fact that this case was a test case involving the rights of a large number of low income persons;

(iii) the fact that the applicant's case appears to have had merit; and

(iv) the fact that the applicant has no further savings

the application for payment of court costs presented by Parkdale Community Legal Services is approved and a recommendation will be made to the Director of The Ontario Legal Aid Plan for payment as requested.

Court costs awarded on action	$ 700.00
Court costs awarded on appeal	$2,579.33
	$3,279.33
Amount raised by client and others	$1,100.00
Balance to be paid	$2,179.33

The Director recommends to Convocation that the reports of the Clinic Funding Committee dated September 6th and August 21st, be adopted.

REGULATION 71

Regulation 71 reads:

"Except in an area or part of an area exempted from this section by the Legal Aid Committee and subject to section 72 unless with the prior approval of the Director, no duty counsel or any person associated with him in the practice of law shall knowingly act in the same matter for a person whom he has represented or advised as duty counsel."

The Provincial Director received correspondence from Neil J. Campbell, solicitor, Area Director, District of Sudbury, requesting that duty counsel for the courts in Chapleau, Gogama and Foleyet be exempted under this section by the Legal Aid Committee to enable duty counsel to accept certificates.

Mr. Campbell advised that the district area committee supported the application. There are now two law firms from Sudbury which have opened branch offices in the Chapleau area and the lawyers have indicated a willingness to act as duty counsel at the three above noted courts. The lawyers will not charge mileage or travelling time. The Area Committee is of the view that a saving of between $500 and $700 per month in travelling time and mileage will result by allowing these two firms to accept certificates under Section 71 of the Regulation. The firms will act on an alternating basis.

The Area Director further advises that the option would be left open for any lawyer or firm of lawyers to undertake not to charge mileage or travelling time if they wish to act in the courts at Chapleau, Gogama and Foleyet.

After thorough review the Committee approved that Duty Counsel representing an accused in the courts in Chapleau, Gogama and Foleyet, be exempted under Section 71 of the Regulation to enable duty counsel to represent an accused at trial.

LEGAL AID COMMITTEE

The Provincial Director received correspondence from C. R. Harris, solicitor, tendering his resignation as a member of the Legal Aid Committee.

RESEARCH FACILITY

(a) Proposed Budget

In January Convocation approved the hiring of a Director of Research to establish a central research bank to be located in the Provincial Director's office to collect, collate and up-date research performed under a Legal Aid certificate, and in May Convocation approved the hiring of Kenneth Chasse, solicitor, as Director of Research.

At the Legal Aid Committee meeting in August Mr. Chasse presented to the Legal Aid Committee a proposed budget for the research facility covering the period July 1st, 1979, to March 31st, 1980. The budget is based on a proposal for either three research assistants or five research assistants. The budget pertaining to three research assistants totals $205,763; the budget pertaining to five research assistants $220,890.

After an indepth review of salaries, operating costs, etc., the Legal Aid Committee approved the budget based on the hiring of five research assistants totalling $220,890.

A copy of the approved budget was before Convocation.

(b) Journal

In the approved budget for the Research Facility the sum of $21,900 is proposed for publishing a journal. The Research Director stated that he wished to distribute to the profession a journal providing a "readers' digest" type service in relation to the current legal periodical literature. The publication of a journal is closely linked with the responsibilities and type of work which the research assistants must perform and will not interfere with a research assistant's responsibilities to the Research Facility. The journal will also provide write-ups on unreported cases and will be a clearing house for recent tactical developments.

The journal will acquaint lawyers with the services available from the Research Facility and with its indexing system, and will educate lawyers on how to categorize their problems. The Research Director expressed hope that when a lawyer phones with respect to a particular problem he will eventually express his request to the Research Department in a succinct fashion and his requests will be organized through his familiarity with the proposed journal.

After thorough review the Legal Aid Committee approved the publication of a journal noting that the first five issues will be forwarded to the profession free of charge. However, after that a subscription fee will be billed.

(c) Special Projects – Investigators – Social Workers Department

In December, 1978, a Legal Aid Joint Committee was formed to implement proposals for improving the existing Plan. In May, Convocation approved the appointment of a Special Projects Co-ordinator to assist in the development of various pilot projects authorized by Convocation and designed to supply support facilities to the members of the criminal defence

Bar.

In June Convocation was advised that Chicago consultants had been retained by the Plan with funding from the Ministry of the Attorney General to blueprint a pilot project with respect to the hiring of investigators and social workers who will be used by members of the York County Criminal Legal Aid Panel.

A site visit by five consultants took place the week of August 27th, wherein 50 lawyers, investigators, crown attorneys, judges and social workers were interviewed.

It is expected that the consultants' report will be ready in the fall for the Legal Aid Committee's review.

JOINT COMMITTEE

(a) Area Committee – York County

At its meeting on June 13th, the York County Area Committee passed a motion which asked that the Area Committee for York be consulted by the Legal Aid Committee or a sub-committee thereof, whenever proposals are being made which will result in a change to the Plan which will have an effect in York County. The motion read as follows:

> "That in any circumstances where the Attorney General, the Benchers of the Law Society or the Provincial Office of Legal Aid contemplates legislation which will affect the civil or criminal panel in York, that the area committee in York County be requested to make submissions and recommendations in advance, to whatever committee is considering the change, and that on the appointment of any committee to make proposals for change, a member of the York County Area Committee be appointed as an observer member to such committee."

The Legal Aid Committee requested the Director to forward a letter to the York County Area Director advising that a York County Area Committee member should be appointed as a representative to meet with the Joint Committee on matters which will have an impact on the administration and operation of Legal Aid in York County.

(b) Criminal Legal Aid Panel – York County

In May Convocation approved an amendment to the Legal

Aid Regulation providing for the re-drafting of Criminal Legal Aid Panels in York County. A lawyer wishing to do criminal work in York County will not be able to place his/her name on the panel unless he/she has 10 points. A lawyer with 100 points will be categorized as "experienced criminal counsel".

Convocation approved criteria to be met by members of the Bar who are qualified to act in serious criminal cases. For this purpose Convocation defined serious criminal cases as those offences for which the maximum penalty is 10 years or more imprisonment excluding the offences of break and enter; theft; possession of goods obtained by crime; trafficking in narcotics.

A questionnaire was forwarded to the profession in June. The questionnaire set out criteria to be met by those offering to serve on criminal panels in York County (i.e., members of the criminal Bar entitled to 10 points and members of the said Bar identified as competent to handle serious criminal cases having over 100 points). These criteria had been approved by Convocation in February.

1450 questionnaires were mailed and approximately 525 completed questionnaires were received. All lawyers who have sent in their questionnaires have been placed on the criminal panel; however, the Joint Committee decided not to put the special designation of "senior criminal counsel" into operation until the questionnaire has been revised. Members of the Criminal Lawyers Association, and criminal lawyers individually, suggested changes to the questionnaire.

As a result of these suggestions the Joint Committee made minor revisions to the initial questionnaire. The revised questionnaire was then discussed with members of a sub-committee of the York County Area Committee and a sub-committee of the Criminal Lawyers Association. Both sub-committees were in agreement with and supported all revisions to the initial questionnaire and agreed to assist in monitoring the project.

The following are highlights of the changes to the questionnaire:

(a) More emphasis was placed on actual courtroom experience as opposed to non-court matters (i.e., increasing the number of points awarded for actual experience in courts and decreasing the general number of points available for years of practice).

(b) A maximum of 50 points was recognized on non-court matters so as to assure that a lawyer must earn at least 50% of his points through actual practice in keeping with the goal of the project which is to inform the individual charged with a serious criminal offence as to which lawyer is *experienced* criminal counsel.

A copy of the revised questionnaire was before Convocation.

AREA COMMITTEES

Section 4(1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended the following be appointed members of the Area Committee in:

Nipissing District

Mrs. Alice Boyer, former Public Relations Officer with the Unemployment Insurance Commission, North Bay.

Halton County

Mrs. Rosemarie Jean Harrison, Councillor for the Town of Milton, Milton.
Robert G. Lush, solicitor, Oakville.

Manitoulin & Sudbury District

Robert Recollect, representative of native people, Sudbury.

York County

John Halliday, law student, University of Toronto, Toronto.

Essex County

Samuel Mossman, solicitor, Windsor.

RESIGNATIONS

Muskoka District

Jack Johnston, retired Golf Course Owner, Bracebridge.

Simcoe County

Barstow H. Miller, retired Imperial Oil Officer, Barrie.

Nipissing District

Mrs. Ellen Vezina, District Court Reporter, North Bay.

Halton County

Peter McWilliams, Q.C., Milton

THE REPORT WAS ADOPTED

....

CONVOCATION ROSE AT 3:50 P.M.

....

Confirmed in Convocation 21st September, 1979.

G. D. FINLAYSON

Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 21st September, 1979
10:00 a.m.

PRESENT:

The Treasurer (Mr. G.D. Finlayson) and Messrs. Arthurs, Barr, Bowlby, Brulé, Bynoe, Carnwath, Carter, Carthy, Catzman, Cooper, Doran, Farquharson, Fennell, Ferrier, Furlong, Genest, Goodman, Ground, Humphrey, Lamont, Mrs. Legge, Messrs. Lerner, Lochead, McWilliams, O'Brien, Ogilvie, Pepper, Ruby, Scace, Shibley, Strauss, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wardlaw, White and Willoughby.

....

MINUTES

The Minutes of Convocation of 15th June, 1979 and of Special Convocation of 1st and 2nd August and 12th September, 1979 were confirmed, Convocation having waived the reading thereof by the Secretary.

....

APPOINTMENT OF SPECIAL COMMITTEE ON REMEMBRANCE DAY SERVICE

The Treasurer announced that he had appointed Mr. *W. Gibson Gray* as Chairman with Mr. *E. A. Goodman* as the Special Committee to assist with the arrangements for the Society's observance of Remembrance Day on Thursday, 8th November, 1979 which is also the regular Meeting Day of the Standing Committees. The service is to take place at 12:30 p.m., before the Second World War Memorial in the Main Rotunda, Osgoode Hall.

....

INTEREST ON TRUST ACCOUNTS

The Treasurer told Convocation that the Bank of Montreal had agreed with The Law Foundation of Ontario to a new interest rate to be paid on lawyers' mixed trust accounts. The new rate is 5 percentage points below the average prime rate in each month retroactive to the 1st of May, 1979. As before, it will be computed on the minimum monthly balance and paid quarterly. The development will be discussed with other banks and trust companies which are now paying substantially less.

....

LEGAL AID COMMITTEE–Mr. Bowlby

RE: LEASE OF ADDITIONAL SPACE AT 145 KING STREET WEST, TORONTO

Mr. J. D. Bowlby, Chairman, reported that additional space was needed at the Legal Aid Plan's main Toronto office, primarily for the central research bank to be established by Mr. Kenneth Chasse, Director of Research, with the assistance of Mr. Harold Levy, solicitor, who is also engaged in the development of various pilot projects authorized by the Society and designed to provide support facilities to the criminal defence bar. The Chairman advised that one half of the 11th floor, that is to say, one floor above the space presently used for Legal Aid purposes, had become available at 145 King Street West and would be suitable for this use. He asked Convocation to authorize the Treasurer and Secretary to execute an offer to lease in respect of these premises.

....

MOTION: EXECUTION OF OFFER TO LEASE ADDITIONAL SPACE AT 145 KING STREET WEST, TORONTO

It was moved, seconded and *carried* that the Treasurer and Secretary be authorized to execute the offer to lease and affix the corporate seal of the Society for the additional space, one-half of the 11th floor at 145 King Street West, Toronto.

. . . .

SPECIAL COMMITTEE ON ADVERTISING WITH PROFESSIONAL CONDUCT COMMITTEE

Mr. Brendan O'Brien, Chairman of the Special Committee on Advertising, presented the Report of a joint meeting of the Special Committee with the Professional Conduct Committee on Monday, 30th April, 1979. The Report was before Convocation on Friday, 15th June, 1979 and directed to stand for consideration at the September Convocation.

The following were present: Mr. Brendan O'Brien, Chairman of Special Committee on Advertising in the Chair, Mr. Austin Cooper, Chairman of the Professional Conduct Committee, and the following members of the two Committees, Messrs. Thom, Pepper, Fennell, Farquharson, Orkin, Carrier and Chappell.

This joint meeting was convened pursuant to a decision taken in Convocation on March 16th, 1979 that members be permitted to advertise their fee for an initial consultation and that the matter be referred to these Committees for further consideration and report, including what specific amendments to the Society's Rules would be required if such advertising was to be permitted. In view of the somewhat ambiguous terms of reference, the matter was discussed at considerable length, including a review of the decision taken in Convocation and of the implications of Professional Conduct Rule No. 10 (relating to fees), particularly Commentary No. 3 which stresses the importance of the client being in a position to make an informed decision respecting the fees and disbursements that might properly be charged in a particular matter. It was the view of the Committee that fee advertising on the limited basis proposed would encourage a discussion of fees at the initial interview, and that this would tend to minimize misunderstandings or controversy respecting fees.

During the discussion, some Committee members voiced opposition to the proposed change on the basis that it could be used improperly by some for the purpose of attracting business, and that it could lead to a misunderstanding as to what the proper fee should be in a case where the problem was of such a nature that it could be wholly disposed of at the initial interview. It was also suggested that if the rate advertised for the initial interview should turn out to be substantially lower than the hourly fee charged for performing the work, this could lead to misunderstandings.

There was a suggestion made that if a fee was to be advertised, the Society should fix the fee, otherwise some would advertise a fee that was unrealistically low, or no fee at all, for the purpose of attracting business. After discussion, the proposal that the Society ought to fix a fee was rejected.

There was a further suggestion that the whole matter could be dealt with under a program of institutional advertising with particular emphasis on the desirability of discussing fees at the initial interview. This was considered to be a separate matter which might be worthy of further consideration by the Public Relations Committee, but it would not be an answer to the present problem.

The discussion then turned to the existing Law Society Referral System where a specified fee is quoted for the initial interview, and the possibility of working out a somewhat similar plan for use in the Yellow Pages in the telephone directories whereby lawyers wishing to participate could have it made apparent in the listings by a symbol that they would be willing to grant an initial interview at a specified fee or a fee that would not exceed a specified amount.

After considering the matter at some length, the Committees were of the opinion that the decision reached at Convocation on March 16th should be carried forward, and that to achieve the desired result, the following changes should be made:

(a) that Professional Conduct Rule No. 13, Commentary 14(a), Page 42, Professional Conduct Handbook, should be amended by adding at the end of the penultimate sentence the following words "and his fee for an initial consultation";

The effect of this change would be to permit the inclusion of the fee for an initial consultation in a published professional card in addition to the other information that is permitted, such as preferred areas of practice, languages at which the lawyer is proficient, office hours, etc. (See Paragraph 14(a), Page 42).

(b) that Commentary 6, of Rule 13, Professional Conduct Handbook, Page 40, be amended by adding after the ninth line on Page 40, the words "other than with respect to the fee for an initial consultation";

The effect of this change would be to preclude such fee advertising on the letterhead.

(c) that in the Society's preamble to the lawyers' section of the Yellow Pages in the telephone directories, there be added a statement to the effect that lawyers, after whose names appears an asterisk, are prepared to give an initial consultation for one half hour for a fee not to exceed $25. *(Amount inserted in Convocation, see following paragraph).*

The Committees were of the opinion that the specified amount that would appear in the telephone directories should be decided in Convocation and that it should be consistent with or bear some relation to the fee that is quoted to clients in the Law Society's Referral System, but that the fee presently quoted in the Referral System should now be reviewed by Convocation since it was set some time ago.

THE REPORT WAS ADOPTED

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ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 13th September, 1979.

The following members were present: Mrs. L. L. Legge (Chairman), Messrs. Carthy, Cass, Catzman, Ferrier, Ground, Henderson, Lamont, Pepper, Mrs. Sutherland and Mr. White.

FULL–TIME MEMBERS OF THE FACULTIES OF APPROVED LAW SCHOOLS– REQUEST FOR CALL TO THE BAR IN SEPTEMBER

The following members of approved law faculties asked to be called to the Bar and admitted as solicitors without examination under Regulation 9 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200. Letters confirming the eligibility of the applicants have been received from the Deans of the relevant law schools for the following:

John Bernard Laskin Faculty of Law University of Toronto	B.A. York University 1971 LL.B. University of Toronto 1976 LL.M. University of California 1977
Katherine Edna Swinton Faculty of Law University of Toronto	B.A. (Hons) University of Alberta 1971 LL.B. Osgoode Hall Law School 1975 LL.M. Yale University 1977

Professors Laskin and Swinton asked if they may be called to the Bar at the September Convocation. They have been asked to advise upon and act in the Validity of the New Residential Tenancies Act. The hearing has been set for 22nd October, 1979 but submissions are due by the end of September 1979. The matter is a constitutional reference.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

The following candidates, having successfully completed the Twentieth Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for Call to the Bar and to be granted Certificates of Fitness:

Les Avila
Rudolf William Koch
Duncan Peter Read

Special – Regulation 9

The following candidates, having filed the necessary papers, complied with the requirements of the Admissions Committee in their particular cases and paid the required fee of $200, were entitled to be called to the Bar and to be granted

Certificates of Fitness:

John Bernard Laskin	Special – Faculty of Law University of Toronto
Katherine Edna Swinton	Special – Faculty of Law University of Toronto

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

One further candidate, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as a student-at-law in the Bar Admission Course as of 1st September, 1978.

A total of 497 candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1979.

Approved

DIRECT TRANSFER

The Committee considered one application to transfer to practice in Ontario by a lawyer from Saskatchewan who sought permission to proceed under Regulation 4(1). The application was approved.

DIRECT TRANSFER FROM QUEBEC

The Committee considered three applications to transfer to practice in Ontario by Quebec lawyers. Two sought permission to proceed under Regulation 4(2) and their applications were approved. The third lawyer requested permission to proceed under Regulations 4(2) and 3(1). The Committee directed that this application stand and the applicant be asked to submit further particulars of his service with the Federal Government.

The Committee also considered an enquiry from a member of the Quebec Bar who plans to seek permission to proceed under Regulation 4(2), as to whether two periods of practice with Quebec law firms together with a period of employment as a labour negotiator with the Quebec Association of Protestant School Boards in Montreal would satisfy the requirements of item (a) of Regulation 4(2). The Committee recommended that an affirmative reply be given.

FULL–TIME MEMBERS OF THE FACULTIES OF APPROVED LAW SCHOOLS

The following members of approved law faculties asked to be called to the Bar and admitted as solicitors without examination under Regulation 9 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200. Letters confirming the eligibility of the applicants have been received from the Deans of the relevant law schools for the following:

Craig Brown Faculty of Law University of Western Ontario	LL.B. (Hons) University of Otago New Zealand, 1973 LL.M. University of Illinois 1977 Called to the Bar in New Zealand in 1975
Bruce Peri Feldthusen Faculty of Law University of Western Ontario	B.A. Queen's University 1972 LL.B. University of Western Ontario 1976 LL.M. University of Michigan 1977
Bradford Wilmot Morse Faculty of Law University of Ottawa	B.A. Rutgers University 1972 LL.B. University of British Columbia 1975
Joseph Eliot Magnet Faculty of Law University of Ottawa	B.A. Long Island University 1968 Ph.D. McGill University 1973 LL.B. McGill University 1977 LL.M. Ottawa University 1979
Sanda Rodgers-Magnet Faculty of Law University of Ottawa	B.A. Case Western Reserve University 1969 LL.B. McGill University 1974 B.C.L. McGill University 1975 LL.M. University of Montreal 1978
Philip William Slayton Faculty of Law University of Western Ontario	B.A. (Hons) University of Manitoba 1965 B.A. (Jurisprudence) Oxford 1968 B.C.L. Oxford 1969 M.A. Oxford 1972
Sharon Anne Williams Osgoode Hall Law School of York University	LL.B. (Hons) University of Exeter 1973 LL.M. Osgoode Hall Law School 1974 D. Jur. Osgoode Hall Law School 1974
Timothy George Youdan Faculty of Law University of Western Ontario	B.A. Cambridge 1969 LL.M. University of Toronto 1972 M.A. Cambridge 1973 Called to the Bar in England and Wales in 1971

Approved

OCCASIONAL APPEARANCES

Chrysant Wsewolod Iwanchuk of the Province of Manitoba applied to proceed under Section 10 of the Regulations, "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Regina vs. Curtis and Hunt.* Mr. Iwanchuk complied with the requirements of Section 10 and presented a Certificate of Good Standing.

Approved

Jim Martin Stoffman of the Province of Manitoba applied to proceed under Section 10 of the Regulations, "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Mary Braun vs. Abraham Braun.* Mr. Stoffman complied with the requirements of Section 10 and presented a Certificate of Good Standing.

Denied

REQUEST FOR SECOND OCCASIONAL APPEARANCE

Robert Leon Pollack was called to the Bar under Section 10 of the Regulation governing occasional appearances in April of this year in the case of *Regina vs. Newton Lea Barr,* which will soon be concluded.

He was asked to defend a Mr. William Hudson of Fort Frances, who formerly resided in Winnipeg, against a charge of trafficking in a narcotic. Mr. Hudson is one of approximately 24 people charged as a result of an R.C.M.P. undercover operation. Mr. Lawrence Phillips of Fort Frances is acting for half of the accused. A letter from Mr. Hudson, who is 18 years old, and also a letter from his mother have been received by the Society, asking that Mr. Pollack be allowed to act in this case. These were before the Committee.

Denied

EXTERNAL EXAMINATIONS

Eight candidates who had been approved by the Committee to proceed under Regulation 4(2) sat the required examinations at Osgoode Hall and the offices of the Bar Admission Course in Ottawa. The examinations were identified only by numbers and a report of the examiners was before the Committee.

Seven candidates passed and one failed.

Approved

PETITIONS
BAR ADMISSION COURSE

The Committee had before it a petition from an applicant for admission to the teaching portion of the Bar Admission Course. The applicant had been granted a Certificate of Qualification dated 7th August 1979, by the Joint Committee on Foreign Accreditation appointed by the Federation of Law Societies of Canada and the Committee of Canadian Law Deans.

In April of this year Section 26(5) of the Regulation under The Law Society Act was redrafted to allow holders of the Certificate of Qualification to enter the Bar Admission Course. The proposed amendment was filed with the Attorney-General and is awaiting approval.

The applicant asked if he may be admitted as a student member in the Bar Admission Course upon condition that Section 26(5) of the Regulation as amended receives approval. He also asked that the work done for a member of a Toronto law firm be counted as service under articles. A similar petition was before the Legal Education Committee. The applicant has been allowed to attend the teaching portion of the Bar Admission Course pending the decisions of the two Committees.

Approved conditional upon receipt of approval of the amendment to Section 26(5) of the Regulation.

The Committee considered three petitions for permission for the late filing of documents for admission to student membership in the Society. Each of the three had submitted complete documentation, the requisite fee and a fine of $100 for late filing. The Committee approved all three petitions.

PETITIONS
EXAMINATIONS

A member of the Bar of the Province of Quebec, who received approval to proceed under Regulation 4(2) in February 1978, wrote and passed the comprehensive examination on the common law in February 1978. He wrote the examination on the Statutes and Procedure in Ontario in May 1978 for the first time and failed. He made his second attempt in November 1978 and failed again. Candidates are advised that if they fail in their second attempt they must discontinue. The petitioner asked permission to write the examination a third time. He wishes to qualify for a call to the Bar in Ontario so that he may manage his practice more advantageously and to further his legal education. He states that he failed the examination because of misjudgments and unwarranted assumptions to anticipate the type of questions asked and to understand the purpose and general nature of the examination.

The Committee recommended that his request be *denied.*

A member of the Bar of the Province of Quebec, who had received approval to proceed under Regulation 4(2) in May 1977 was advised by letter dated 21st June 1979 of the decision of the Admissions Committee that all those whose applications to proceed under Regulation 4 had been approved, must write the prescribed examinations within eighteen months of 15th June 1979 and that those who failed on the first attempt and who are permitted to write a second time, must write the next examination.

The lawyer asked if he may write the comprehensive examination on the common law in December 1979 because of his involvement with the Olympic Games which take place in early February 1980 and July 1980. The examinations are scheduled every January, May and September at Osgoode Hall. In view of the rule requiring candidates to sit ‘the next examination’, he asked whether in the circumstances a special sitting can be permitted.

The Committee approved the request.

THE REPORT WAS ADOPTED

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CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of

Barrister-at-law was conferred upon each of them by the Treasurer:

Les Avila
Rudolf William Koch
Duncan Peter Read
John Bernard Laskin
Katherine Edna Swinton

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LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 13th September, 1979.

The following members were present: Mr. J. J. Carthy, Chairman, Messrs. Arthurs, Barr, Catzman, Doran, Ferrier, Genest, Ground, Henderson, Lamont, Noble, Thom, Wardlaw and Mrs. R. M. Tait.

FACULTY APPOINTMENTS –
Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 4th, 1979:

(a) Civil Procedure I Section

Group Instructors (Osgoode Hall): R. E. Anka, L. A. J. Barnes, R. A. Blair, H. M. A. Brodkin, D. J. Brown, J. A. Campion, W. P. Cipollone, T. J. Dunne, Igor Ellyn, F. G. Felkai, J. T. Fidler, S. L. Goldenberg, R. S. Harrison, P. G. Jarvis, J. I. Laskin, D. C. McTavish, A. C. Millward, J. T. Morin, R. G. Oatley, J. C. Osborne, Paul Page, H. D. Pitch, Julian Polika, Stan Raphael, A. M. J. Rock, L. D. Roebuck, M. E. Royce, D. H. Sandler, W. V. Sasso, R. G. Slaght, J. D. Sloan, J. D. Weir.

Group Instructors (Ottawa): B. A. Carroll, G. J. Cooligan, G. P. Kelly, J. F. McDonald, D. J. Power, D. W. Scott, W. B. Spooner, P. C. Thompson.

Group Instructors (London): D. G. Gunn, P. B. Hockin, J. C. Kennedy, J. W. Makins, C. S. Ritchie.

Standby Instructors (Osgoode Hall): Joyce Harris, J. A. Hodgson, Tom Lederer, Paul Morrison, L. A. Pattillo, G. D. Peacock, M. J. Penman, P. L. Roy, Martin Sclisizzi.

Standby Instructors (Ottawa): W. M. Davis, T. D. Ray, W. J. Simpson.

Standby Instructors (London): J. F. Belecky, P. M. Stillman, B. J. Sullivan.

(b) Civil Procedure II Section

Group Instructors (Osgoode Hall): F. R. Bowman, B. J. E. Brock, B. D. Brown, Don Brown, H. J. B. Dickie, D. G. Duke, W. G. Dutton, N. D. Dyson, M. N. Ellis, G. W. Glass, M. J. Haffey, R. W. Heather, K. E. Howie, Paul Jewell, C. A. Keith, Ted Kerzner, R. C. Lee, T. J. Lockwood, Jean MacFarland, G. A. MacPherson, Laurie Mandel, R. D. McLean, Allan O'Donnell, Harvey Poss, T. H. Rachlin, V. I. Rogers, E. A. Sabol, W. G. Scott, W. P. Somers, Joel Wesley, W. S. Wigle, Martin Wunder.

Group Instructors (Ottawa): J. R. M. Gautreau, H. J. Haydon, W. R. Hunter, Roydon Kealey, B. H. Starr, R. W. Thompson, Paul Webber.

Group Instructors (London): G. L. Bladon, V. J. Calzonetti, W. L. Dewar, W. A. Jenkins, D. H. Proudfoot.

Standby Instructors (Osgoode Hall): G. D. E. Adair, D. S. Forbes, L. G. Harlock, R. N. Kostyniuk, J. S. Lyons, C. M. MacIntyre, B. B. Papazian.

Standby Instructors (Ottawa): David Hughes, G. D. Hunter.

Standby Instructors (London): B. A. Foster, R. E. Hutton, Armand Morrow.

(c) Creditors' & Debtors' Rights Section

To continue as Head of Section, R. G. Marantz, Esq.

Group Instructors (Osgoode Hall): Frank Bennett, D. J. Brown, R. H. Chartrand, Jordan Dimoff, F. G. Felkai, H. M. Fogul, M. H. Greenglass, J. S. Herron, R. D. Howell, A. O. Jacques, E. B. Leonard, M. D. Lipton, Ben Martin, J. S. McKeown, W. A. McLauchlin, R. B. Moldaver, J. W. Morris, D. J. T. Mungovan, Stanley Naftolin, W. R. Passi, P. D. Quinn, N. S. Rankin, J. E. Shaw, Melvyn Solmon, Steven Stieber, Stephen Thom, J. R. Varley, R. W. Walker.

Group Instructors (Ottawa): R. D. Allard, J. E. Hamilton, S. E. Hendin, A. W. Joyce, P. N. Leamen, S. M. Leikin, J. D. Peart.

Group Instructors (London): K. N. Bilton, R. B. Livingstone, C. H. Reeves, Martin Stambler.

Standby Instructors (Osgoode Hall): K. R. Aalto, Gerald Gold, Harvey Kirsh, Martin Sclisizzi, M. M. Steidman, A. I. Wexler.

Standby Instructors (Ottawa): A. S. Goldberg.

Standby Instructors (London): J. R. Lockwood, C. F. MacKewn.

Approved

BAR ADMISSION COURSE – PROPOSED ADMISSION FROM KING'S COLLEGE, LONDON

The Secretary received a letter from the Toronto French

School proposing a plan whereby their students might take a four-year double degree course in law in the United Kingdom and France and qualify for admission to the bar of Ontario. The letter and the Secretary's reply were before the Committee.

The Committee recommended that the Toronto French School be advised that on the pending amendment of Regulation 26(5), graduates of the proposed courses at the universities of London and Paris should apply to the Joint Committee on Foreign Accreditation for a certificate of qualification for admission to the Bar Admission Course.

ARTICLING DATE FOR INTERVIEWING AND HIRING OF STUDENTS

This matter was before the Committee on Thursday, June 7th, 1979, at which time the Committee had before it a letter of Mr. Richard B. Potter dated May 30th, 1979 written in response to the information on this matter published in Communiqué Number 89. At that time the Committee let the matter *stand* to be brought on at the next meeting. The Committee had before it, in addition to Mr. Potter's letter, four further letters written by members of the profession on this subject.

The Chairman appointed a sub-committee composed of Messrs. Thom (Chairman), Barr and Doran to study and reconsider this problem in the light of the proposals received, and report.

COMPETENCE AND PROFESSIONAL CONDUCT

The Chairman having proposed that the Benchers should blitz the profession with articles, speeches and lectures on the issues of Professional Conduct and Competence in the profession, the matter was before the Committee for consideration.

The Director is to investigate and report on the feasibility of including in each section of the Bar Admission Course and in each continuing legal education programme elements of Professional Conduct and Competence relevant to the area of law and practice under study and he is to bring together representatives of F. C. Maltman & Co. Ltd. and the heads of sections and of programmes to further these objectives. Further the

Director is also asked to report on the feasibility of regular short articles being published in the Gazette on these subjects. Approval was given to a trial programme to be conducted prior to each of the student receptions referred to below, in which the Benchers will conduct a discussion group session with the students on the subject of Professional Conduct and Competence as it relates to the day to day operations in a law office. It is the intention that two or more Benchers will attend each session to present some typical sets of circumstances for debate and discussion.

CONTINUING LEGAL EDUCATION PROGRAMMES – REGISTRATION FEES

Mr. Clayton C. Ruby has proposed that younger members of the bar should be assisted in payment of registration fees for continuing legal education programmes. Mr. Ruby's letter of June 21st, 1979 addressed to the Chairman was before the Committee.

It was recommended that this matter be referred to the sub-committee appointed by this Committee to advise with respect to continuing legal education programmes for the preferred areas of practice. (*See p. 412.*)

ARTICLING PROPOSAL FOR STUDENT TO BE ARTICLED TO THE CLINIC FUNDING MANAGER, LEGAL AID PLAN

The Clinic Funding Manager under the Legal Aid Plan proposed that an articling student be hired by the Clinic Funding Committee and articled to her. This proposal was not approved by the Director. Correspondence between Miss Mary Jane Mossman, the Director and the Chairman were before the Committee.

The Committee recommended that the action of the Chairman and the Director be approved.

BAR ADMISSION COURSE – STUDENT RECEPTIONS

It was recommended that Law Society receptions for students be again held in the teaching term of the 21st Bar Admission Course. It was further recommended that the receptions be held at the places shown on the following dates:

Toronto – Thursday, October 11th, 1979
– Thursday, November 1st, 1979
– Tuesday, December 4th, 1979
– Thursday, January 10th, 1980
– Thursday, February 7th, 1980

Ottawa – Tuesday, October 9th, 1979
– Tuesday, January 29th, 1980

London – Tuesday, November 13th, 1979
– Tuesday, January 15th, 1980

Approved

BAR ADMISSION COURSE – DESTRUCTION OF EXAMINATION ANSWER BOOKS

The Committee was asked to approve the destruction of examination answer books and computer cards of the 20th Bar Admission Course which concluded February, 1979, with the exception of such records of students who failed that Course.

Approved

CONTINUING LEGAL EDUCATION – ACCREDITATION OF PREFERRED AREAS OF PRACTICE

The procedures for implementing the report authorizing the members of the Society to publish their preferred areas of practice requires certain policy considerations by the Committee. These considerations include:

- The extent of credit to be given for attendance at and/or participation in continuing legal education programmes;
- Can credit be given for endeavours in the particular area of practice other than for attendance at programmes?
- To what extent should continuing legal education programmes be offered throughout the province?
- Should there be any differentiation between different areas of practice?

It is proposed that the Director should report to the October meeting of the Committee on a detailed plan for implementation of accreditation of preferred areas of practice. The Committee was asked to consider the basic policy issues.

The Chairman appointed a sub-committee composed of Messrs. Ferrier (Chairman),Wardlaw and Carthy to advise and liaise with the Director for the purpose of gathering information relevant to the problem of establishing continuing legal education programmes required for the preferred areas of practice and to draft a proposal for their implementation for consideration by the Legal Education Committee at a special meeting to be called by the Chairman early in October. The sub-committee is to consult with the representatives of the law schools and the Canadian Bar Association.

SPECIAL PETITIONS

The Committee dealt with 31 petitions of which 19 were of a routine nature. The Committee approved 17 and rejected 2.

One petitioner presented a Certificate of Qualification, dated 7th August, 1979, by the Joint Committee on Foreign Accreditation of the Federation of Law Societies in Canada and the Committee of Law Deans together with the necessary application for admission to the Bar Admission Course, affidavits as to service under articles, all supporting documents and a cheque for the relevant fees. A similar petition was before the Admissions Committee. This Committee approved the petition subject to the amendment of Section 26(5) of the Regulation to allow holders of a Certificate of Qualification to enter the Bar Admission Course being approved.

Two members of the Society sought permission to audit the teaching term of the Bar Admission Course. One who had ceased practice on a regular basis in order to have a family wished to audit the entire teaching term and the other who had been practising in another jurisdiction wished to audit five sections of the teaching term. Both petitions were approved, the Director to fix the amount of the fee for auditing five sections of the teaching term.

Three members of the Twentieth Bar Admission Course who had failed the teaching term sought permission to defer their right to repeat the teaching term and their petitions were approved.

A petitioner who had withdrawn from the teaching term of the Bar Admission Course in October 1978 following his election to the House of Commons requested permission to take the teaching term of the Bar Admission Course in Ottawa commencing in September 1979. The petition was approved subject to the rider that the petitioner be advised that the established rule in the Bar Admission Course is that a candidate may not engage in employment or other activity which conflicts with the hours of scheduled attendance in lectures, seminars and examinations and that the risks of non-compliance with this rule are failure in the Course if the candidate is unable to pass the examinations and also the refusal of the Board of Review to exercise discretion in favour of a borderline candidate who has not taken advantage of the programme offered.

A petitioner who had commenced service under articles and had reason to believe that he could gain access to a graduate law programme at Harvard or Yale requested permission to defer entry into the Bar Admission Course until September 1980. The Committee recommended that the request be approved conditional upon the petitioner's acceptance by and attendance throughout the 1979-80 academic year in a graduate law programme in one of the proposed schools.

A petitioner who had received permission to defer entry into the 1978-79 teaching term of the Bar Admission Course to accept a position with the Indian Commission of Ontario sought a further deferral until September 1980. The Committee approved the petition subject to the rider that the petitioner be advised that she must expect the Committee not to look favourably on a request for a further deferral at a later date.

A petitioner who expects to complete the requirements of the National Programme at McGill University and receive the B.C.L. and LL.B. degrees in December 1979 and intends to be called to the bar in the Provinces of Ontario and Quebec, requested permission to serve under articles from 1st January, 1980 to 1st January, 1981 and that such service under articles be accepted in full of the articling requirement. The Committee approved the petition on the condition that the petitioner serve full-time under articles of clerkship in Ontario over the year proposed and does not during that time undertake or fulfil any of the requirements for call to the bar in the Province of Quebec.

A petitioner who had received permission to defer entry into the 1978-79 teaching term of the Bar Admission Course to accept a position with the Department of External Affairs and who, because of current federal government restraints in hiring, cannot obtain leave of absence without pay to attend the 1979-80 teaching term of the Course, requested permission again to defer entry into the teaching term until September 1980. The Committee approved the petition subject to the rider that the petitioner be advised that he may not expect to be granted deferrals year by year and that a further request may not be favourably received.

A petitioner who commenced service under articles of clerkship in July 1978 requested permission to defer entry into the teaching term of the Bar Admission Course until September 1980 to enable him to search for alternatives to the practice of law in Ontario. The petitioner did not file proof of service under articles nor pay the tuition fee nor attend the teaching term. The Committee recommended that the petitioner be allowed to withdraw from the Bar Admission Course and that he not be given permission to defer entering the teaching term. The petitioner should be advised that in the event he had fulfilled the articling requirement he should file the requisite proof of service under articles and that if at a later date he wishes to proceed with his education for call to the bar, he may present a petition to Convocation on the basis of the circumstances which then prevail.

CONTINUING EDUCATION

The Committee reviewed a summary of Continuing Education programmes presented in July and August, 1979 and the publications report for the months of June, July and August, 1979.

THE REPORT WAS ADOPTED

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DISCIPLINE COMMITTEE–Mr. Carnwath

GENERAL

Mr. J. D. Carnwath, Chairman, presented the Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 13th September, 1979.

The following members were present: Messrs. Carnwath (Chairman), Bynoe (Vice-Chairman), Ogilvie (Vice-Chairman), Barr, Cass, Furlong, Ruby, Willoughby and Mrs. Sutherland.

1. ESTIMATION AS TO FUTURE CLAIMS AGAINST THE COMPENSATION FUND

The Committee submitted the proposed Compensation Fund Levy for the fiscal year 1979-80 last June. At that time it was suggested that efforts be made to determine what could be expected in the future by way of claims. Mr. Harry Stinton, formerly the Society's Director of Errors and Omissions Insurance Programme, was retained in this regard. The Committee received at this month's meeting a status report which will be on the agenda for consideration in October.

2. SUB–COMMITTEE ON DISCIPLINE JURISDICTION AND PROCEDURES

This Sub-Committee was appointed on September 14th, 1978 to consider the discipline process. As a result of the Benchers' election and retirement its membership has been halved. The Chairman will take steps forthwith to reconstitute this Sub-Committee.

3. DISCIPLINE DECISIONS

Over the years the format of the discipline decisions that go to Convocation has varied from time to time and often from matter to matter. There was before the Committee a suggested format which will be used on a trial basis.

4. In addition to the above, other matters were considered with the appropriate instructions being issued.

THE REPORT WAS ADOPTED

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COMPENSATION FUND SUMMARY

Mr. Noel Ogilvie, Vice-Chairman, presented the Compensation Fund Summary for the period ended 30th June, 1979.

COMPENSATION FUND

For the Period from 1st July, 1978 to 30th June, 1979

(12 months)

TOTAL RECEIPTS	$ 474,905.35
TOTAL DISBURSEMENTS	$ 488,235.79
EXCESS OF DISBURSEMENTS OVER RECEIPTS	($ 13,330.44)
BALANCE OF FUND at beginning of period	$1,566,550.49
BALANCE OF FUND at end of period	$1,553,220.05
CLAIMS RECEIVED and in the course of being processed as of 30th June, 1979	$4,955,660.60

THE SUMMARY WAS RECEIVED

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COMPENSATION FUND REPORTS

Re: WILLIAM ALFRED STEVENS, Sudbury (disbarred lawyer)

Mr. Ogilvie presented the Report of the Discipline Committee of its meeting on Friday, 6th July, 1979, with respect to an application to the Compensation Fund by *Edna Hitchcock* arising out of the practice of William Alfred Stevens, a disbarred lawyer.

The following members were present: Messrs. Carnwath (Chairman), Humphrey and Ogilvie.

The Committee was acting in its capacity as Referee pursuant to Section 51 of The Law Society Act. Before the Committee was the application of Edna Hitchcock to the Compensation Fund.

In 1968 William Alfred Stevens was a solicitor practising in Sudbury. Commencing in that year he borrowed a total of $308,000 from a private company owned by two of his clients, Edna Hitchcock and her husband, who has since died. There was no independent legal representation or advice. Stevens invested this money in a company of his own which he knew or ought to have known was in financial difficulty. Because of this conduct Stevens was disbarred 2nd December, 1976.

Edna Hitchcock made an application to the Compensation Fund stating that $400,000 had been lost through Stevens' dishonesty. Stevens appealed his disbarment to the Divisional Court. It was decided that the application should not be heard until after the appeal. The appeal was dismissed March 27th of this year.

The application was scheduled to be heard June 21st. On that date counsel for Stevens appeared requesting an adjournment on the grounds that the former solicitor had not had sufficient notice and, as a result, was unable to attend.

The hearing was put over to July 6th. On that date the Committee met. Arthur Gans appeared for the applicant, Lorne Morphy for the Society. It was not felt necessary for the applicant to come to Toronto since she is suffering from cancer, although at the present time the disease is in remission. Stevens did not appear. In a phone conversation earlier that day counsel who had appeared on June 21st on Stevens' behalf advised Mr. Gans that he had received no further instructions. Stevens' name was called three times outside the room in which the hearing was being held. There was no response. The secretary advised that the Society's receptionist had received no calls that morning from anyone identifying himself as William Alfred Stevens.

The Committee decided to proceed with the hearing. It was determined that the applicant had met the statutory requirements as to notice of the loss. Counsel filed an agreed statement of facts·

The Committee, in reviewing the statement of facts and the oral evidence presented by the solicitor for the applicant, found that a solicitor-client relationship existed. The Committee recommended that the $25,000 individual discretionary limit be exceeded and the majority of the Committee, Messrs. Humphrey and Ogilvie, recommended that Edna Hitchcock's claim be allowed in the amount of $86,000. The reasons for the recommendation of the majority of the Committee are as follows:

1. The majority of the Committee felt that if the Law Society were to avoid the appearance of tokenism an amount greater than the individual limit of $25,000 should be granted.

2. The majority of the Committee were mindful that Stevens originally had two clients, Ronald Hitchcock and his wife, Edna Hitchcock the applicant herein, and that from a practical point of view consideration should be given to considering the application as two applications although in the intervening period Ronald Hitchcock had died.

3. The majority of the Committee felt that the considerable length of time since the loss entitled the applicant to receive compensation for the effects of inflation.

4. The majority of the Committee was mindful that Edna Hitchcock is in her mid-sixties with two children and terminally ill with cancer. The Commitee was advised that Mrs. Hitchcock had income from investments of $10,000 per year.

5. The majority of the Committee was mindful of the *Lenko* application to the Compensation Fund where the individual guideline was exceeded.

Mr. Carnwath, in the minority, recommended a payment of $50,000. While mindful of the matters recited hereinabove Mr. Carnwath was of the view that Convocation had recently reviewed the matter of the discretionary limits and fixed on an individual limit of $50,000 per payment. Mr. Carnwath was not persuaded that the new discretionary limit of $50,000 (not applicable in this case) should be exceeded.

The Committee and Convocation had before them the agreed statement of facts and all relevant documents.

It was moved in Convocation, seconded and *lost* that the payment be restricted to $50,000.

THE REPORT WAS ADOPTED

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Re: GERARD M. KENNEDY, Hamilton (disbarred lawyer)

Mr. Ogilvie presented the Report of the Discipline Committee of its meeting on Friday, 11th May, 1979, with respect to an application to the Compensation Fund by *Gaetana Nardella* arising out of the practice of Gerard M. Kennedy, a disbarred lawyer.

The following members were present: Mr. Chappell, Mrs. Legge and Mrs. Sutherland.

The Committee originally composed of Messrs. Chappell (Chairman), Mrs. Legge and Mr. Shibley first considered the Referee's Report in this matter on Tuesday, March 6th, 1979 at which time the Committee approved of his Report and his recommendation that the $25,000 discretionary individual limit not be exceeded in this case. The recommended grant approved by the Committee was $23,758.77.

In response to a letter from the Society asking whether he wanted to make further submissions to the Discipline Committee within 15 days if he chose to do so, counsel for the applicant stated that he would like to make further submissions as to why the $25,000 individual limit should be exceeded.

The Committee (Mr. Chappell (Chairman), Mrs. Legge and Mrs. Sutherland) heard further submissions from counsel for the applicant and counsel for the Law Society on May 11th, 1979 concerning exceeding the $25,000 discretionary individual limit on a claim to the Compensation Fund by Gaetana Nardella, Administratix of the Estate of *Lorenzo Nardella*, a former client of *Gerard Kennedy*, a disbarred solicitor.

The Referee, J. S. Boeckh, Q.C., recommended and the Committee approved of a grant in the amount of $23,758.77. Although in view of the conclusion he came to, it was unnecessary for him to decide whether or not to exceed the $25,000 individual limit, the learned Referee stated in his Report "Counsel for the applicant has urged me to recommend that the limit of $25,000 for one claim be exceeded in this case on the grounds of hardship, the very large loss alleged to have been suffered and the ravages inflicted by inflation. In the "Synopsis" in Paragraph 13 and 14 this latter is fully illustrated. It shows that since 1971 the Consumer Price Index has risen

77.5%. It is my understanding that Convocation would consider such argument irrelevant. Because the amount I have recommended does not exceed $25,000, it is not necessary to deal with these matters."

The further submissions to the Committee which persuaded it to recommend to Convocation that a grant of $43,758.77 should be made were based on the submission by counsel for the applicant that on the uncontradicted evidence of Bruce Johnston, C.A., who was the Law Society auditor who investigated Mr. Kennedy's books, there was a shortage in the trust account of $23,758.77 and a further trust liability of $20,000 making a total loss of $43,758.77.

The Committee further investigated and instructed that Mr. Johnston write a letter (which he did) confirming that $43,758.77 was the amount of the trust liability on Mr. Kennedy's books to the credit of the claimant.

Counsel for the applicant referred to a transcript of the original hearing, at which Bruce Johnston testified before the Referee, which indicated that the learned Referee was mistaken when he found the amount of the financial loss to the claimant to be $23,758.77 instead of $43,758.77.

Since the five claims previously paid out of the Compensation Fund totalled $28,669.09 to former clients of Gerard Kennedy, the question of exceeding the $150,000 discretionary limit per solicitor did not arise.

It was moved in Convocation, seconded and *lost* that a grant of $23,758.77 as recommended by the Referee be approved.

THE REPORT WAS ADOPTED

....

SPECIAL COMMITTEE ON POLARIS

Mr. J. D. Carnwath, Chairman of the Special Committee, made an oral report.

The provincial government is ready to begin its study of the Province of Ontario Land Registry Information System called "Polaris". The project may take 15 years to complete but position papers are expected to be available in 1980. The Society's Special Committee has been studying the development over the past year and expects that the new system should reduce costs, improve service, both to the public and to the profession, and provide more information than is now available more quickly and efficiently with the assistance of computers without in any way interfering with the traditional solicitor-client relationship in real estate transactions. It is expected that computer terminals in local law libraries and lawyers' offices will serve the profession.

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

....

The Treasurer and Convocation had as their guest for luncheon Mr. G. Patrick H. Vernon, Q.C.

....

CONVOCATION RESUMED AT 2:00 P.M.

....

PRESENT:

The Treasurer and Messrs. Barr, Bowlby, Brulé, Carnwath, Catzman, Doran, Farquharson, Fennell, Ferrier, Genest, Goodman, Gray, Ground, Lamont, Mrs. Legge, Messrs. Lochead, McWilliams, O'Brien, Ogilvie, Pepper, Scace, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wardlaw, White and Willoughby.

....

FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 13th September, 1979.

The following members were present: Messrs. Pepper (Chairman), Gray, Henderson, Lochead, O'Brien, Scace and Wilson.

ROLLS AND RECORDS

Appointment to the Bench

The following member has been honoured by his appointment to Judicial Office and his membership in the Society was placed in abeyance upon his assuming office:

Paul Bernard Pickett, Q.C. Toronto	Called – 23 June 1955 Appointed Provincial Judge, Criminal Division, Judicial District of York – 18 May 1979

Deaths

The following members have died:

The Rt. Hon. John George Diefenbaker, P.C., Q.C. Ottawa (Honorary Bencher)	Called – 20 October 1911 Died – 16 August 1979
Robert Porteous Saunders, Q.C. Toronto (Life Member)	Called – 20 October 1911 Died – 1 June 1979
Frank Domenico Nasso Agincourt	Called – 21 September 1944 Died – 3 June 1979
Frederick David Thompson, Q.C. Milton	Called – 25 June 1958 Died – 11 June 1979
William Logan Millman, Q.C. Sarnia	Called – 16 October 1930 Died – 13 May 1979
Ramsey Alexander Evans, Q.C. Hamilton	Called – 18 September 1947 Died – 16 July 1979
Lawrence Louis Burke, Q.C. Toronto	Called – 25 June 1959 Died – 15 July 1979
James Frederick William Ross, Q.C. Thunder Bay	Called – 15 September 1938 Died – 8 July 1979

William Cedric Davidson, Q.C. Toronto (Life Member)	Called – 13 September 1912 Died – 11 July 1979
Charles Franklin Leatherland, Q.C. Acton	Called – 17 November 1932 Died – 12 July 1979
Redmond Thomas Quain, Q.C. Old Chelsea, Quebec (Life Member)	Called – 19 June 1919 Died – 15 February 1979
Hugh Gerard Doyle Ottawa	Called – 23 March 1973 Died – 2 July 1979
Robert George Ness, Q.C. Toronto	Called – 29 June 1950 Died – 28 June 1979
Arnold Kingsley Graham, Q.C. Toronto (Life Member)	Called – 8 February 1923 Died – 1 July 1979
John Howard Gillies, Q.C. London	Called – 29 June 1948 Died – 8 July 1979
Hugh Stanley Honsberger, Q.C. Toronto (Life Member)	Called – 18 April 1918 Died – 3 July 1979
Roy Weldon, Q.C. Toronto (Life Member)	Called – 20 September 1920 Died – 6 July 1979
John Gwyn Osler, Q.C. Toronto	Called – 17 June 1937 Died – 5 July 1978
John Malcolm Bancroft Davis London	Called – 29 June 1948 Died – 23 November 1978
Donald Bruce McCrimmon Toronto	Called – 28 June 1956 Died – 4 September 1979
Robert James Booth Ottawa (Life Member)	Called – 21 June 1928 Died – 3 July 1979
William James Stewart, Q.C. Terra Cotta	Called – 29 June 1950 Died – 28 June 1979

Noted

MEMBERSHIP RESTORED

The Honourable *William Anthony Donohue,* Q.C., gave notice under Section 31 that he retired as a Judge of the Supreme Court of Ontario on 31st December, 1978 and wished to be restored to the rolls of the Law Society. Accordingly, his membership has been restored effective 17 July 1979.

Noted

LIFE MEMBERS

Pursuant to Rule 49, the following were eligible to become Life Members of the Society effective 19 September 1979:

Frederick Murray Catzman, Q.C.	Toronto
Harold Lally Daufman, Q.C.	Laguna Hills, California
Helen Grossman, Q.C.	Toronto
Eugene Edward Hawke	Toronto
Roydon Ambrose Hughes, Q.C.	Ottawa
Kenneth James Matheson, Q.C.	Ottawa
Donald Harrison McTaggart, Q.C.	Toronto
George Leslie Mitchell, Q.C.	London
Cecil William Robinson, Q.C.	Hamilton
Charles Henry Woods	St. Catharines

Noted

CHANGE OF NAME

Members

The following members have requested that their names be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Nadia Adele Vordemberge	Nadia Adele *Senyk* (Court Order)
Charlotte Ann Goodearle	Charlotte Ann *Bell* (Maiden name, Decree Absolute)
Mary Lou Armour	Mary Lou Armour *Dickie* (Married Name)
Louise Elaine Lefaive	Louise Elaine *Meagher* (Married Name)
Margaret Dawn Wilson	Margaret Dawn *McConnell* (Married Name)
Glen Henryk Siwanowicz	Glen Henryk *Erikson* (Court Order)

Student Members

The following student members requested that their names be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Linda Jane Irvine	Linda Jane Irvine *Sapiano* (Married Name)

Maria Elena Stuckler-Hoffstein	Maria Elena *Hoffstein* (omitting maiden name)

Approved

MEMBERSHIP UNDER RULE 50 – Retired Members

The following members who are sixty-five years of age or over and who are fully retired from the practice of law and other employment, requested permission to continue their membership in the Society without payment of annual fee:

Robert Murray Bell, Q.C.	Toronto
Arthur Graham Campbell	Woodstock
Norman Joseph Crook, Q.C.	Peterborough
John Farley Robertson, Q.C.	Toronto
Benjamin Conroy Unger	Cambridge

John Hall Lennox, Q.C. of Belleville, applied for permission to resign his membership in the Society and requested that he be relieved of the requirement of publication in the Ontario Reports.

Approved

ANNUAL FINANCIAL STATEMENT

A draft financial statment for the year ended 30 June, 1979, together with a report of the auditors was before the Committee. If approved, the statement will be laid before September Convocation and presented at the next Annual Meeting of the Society.

In particular, the attention of the Committee was drawn to the item on the Balance Sheet showing a deficiency in the appropriation for major capital expenditures of $798,435. As explained in Note 4, this figure results from the completion of major fence and building renovation programmes which are being met by a special appropriation in addition to a regular annual appropriation. The special appropriation in this statment is $400,000 and the Committee was asked to approve this figure in addition to the regular annual appropriation of $375,000.

*Approved,*including the special appropriation of $400,000.

ERRORS AND OMISSIONS INSURANCE PLAN

There were 21 members of the Society who were called to the Bar in April 1979 and who have not complied with the requirements respecting Errors and Omissions Insurance Plan. The members in default have received reminders and the Committee was asked to approve that they be advised on 13 September, 1979 that Convocation on 21 September, 1979 will have before it a recommendation that their rights and privileges as members of the Society be suspended.

Approved

AUDITORS' ACCOUNTS

The Society's Auditors, Clarkson, Gordon & Co., submitted two billings on account of auditing services totalling $7,500. The Auditor's total fee last year was $11,400.

Approved

ARCHITECT'S ACCOUNT

The Society's architect, Mr. Arthur Heeney, submitted an account dated 11 July in the amount of $5,208.81, covering his fee in connection with a number of different projects. The amount of the fee has been verified against the contractor's accounts in each case. The account has been paid and the Committee was asked to ratify approval.

Approved

COUNSEL'S ACCOUNT

Mr. J. P. Dube of Blake, Cassels & Graydon has submitted his account dated 6 September, 1979 in the amount of $2,000 in connection with the recently negotiated Canada Law Book contract for the Ontario Reports.

Approved

BUILDING MAINTENANCE

The Society's architect estimated that $900 expenditure would be involved in making a detailed examination of plaster in the dome in the *Great Library*. The Secretary approved this expenditure so that work could proceed in the summer and the Committee was asked to ratify this action.

Approved

Provision was made in this year's general maintenance budget for cleaning and repairing stained glass in the *American Library.* The Society's architect reported that an inspection had shown that similar work is required in the *Benchers' quarters.* The following estimates were received:

	Artistic Glass	*Exclesior Glass*
American Library	$4,860.00	$4,800.00
Benchers' Stairway (two windows)	979.00	3,300.00
Domeover Stairway	2,160.00	1,250.00
	$7,999.00	$9,350.00

Approval was requested to proceed with the necessary work.

The Committee recommended that the Chairman be authorized to give approval for work to be done under whichever tender he prefers.

BUILDING – ADDITIONAL OFFICE SPACE

The additional office space created throught the major renovation programme has all been used and there is again the need to find accommodation within the building. There is some 775 square feet of space above Convocation Room, which has been used for library storage and which is now vacant. This space can be converted to office use at an estimated cost of $9,000.

The suggested use for this space is for an office for the employees assigned to The Law Foundation of Ontario who now occupy 370 square feet on the second floor. If this new space is made available, the Law Foundation could be moved and other office staff accommodated when needed. The space vacated by The Law Foundation of Ontario would be used for additional Secretariat staff.

Approved

INSTITUTIONAL ADVERTISING

Following the questions raised by this Committee at its meeting on 8 March, 1979, Tele-Direct, publishers of Yellow Pages directories, were asked to reduce the annual cost of $54,000 for the Law Society announcement to appear in

Yellow Pages directories. By eliminating redundant wording and by changing the layout, a substantial reduction in cost has been achieved. The annual cost of advertising in 115 directories across the province is $39,768.25 and approval was requested for the execution of the contract in this amount.

Forty of these directories had already been published (or the closing date had already been passed) before the reduction in the advertisement size could be made. A separate one-time contract for these directories is also required at a cost of $20,749.80.

Approved

COMPUTER

At present the computer has a total on-line storage capacity of 70 million characters. This capacity is divided between two units, namely 10 million characters on a fixed exchange disc cartridge drive and 60 million characters on a disc pack drive. It is recommended that the 10 million character unit be replaced with a second 60 million character unit, thus increasing the total on-line capacity to 120 million characters.

The need for this change has come about sooner than originally expected because of the addition of several new projects. The one causing the greatest demand on storage capacity is the record of Errors and Omissions Insurance claims.

The cost of the unit which will be sent back is as follows:

Monthly Rental		$330
Sales tax		23
Maintenance		106
	Total	$459

The cost of the new unit is as follows:

Monthly Rental	$514
Sales Tax	36
Maintenance	132
	$682

Thus the monthly cost would increase by $223 or $2,676 per year.

Other changes to be considered later in the year include a faster line printer and a different type of terminal for enquiries. The reasons for these changes will be set out at the time the changes are recommended.

Allowance for the increased costs was made in the 1979/80 estimates and the Chairman approved the recommended change, which the Committee was asked to ratify.

Approved

CANADIAN LAW INFORMATION COUNCIL

At its meeting on 11 May, 1978, the Committee approved an amount of $25,000 to be included in the 1978/79 Budget for a grant to the Council. The Council had requested a per capita grant of $4, which would have amounted to some $48,000. Although included in the Budget no payment was in fact made for the year ended 30 June, 1979 and the figure of $25,000 was carried into 1979/80 Budget. The Council has asked that payment be made to honour the original approval of $25,000 in 1978/79 expenditure.

Approved

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing a law association which has sent in its Annual Return for 1978 and setting out the amounts of the grants to which it appears to be entitled under the Regulation in 1978 and 1979, including a penalty of 10% for the late filing of the return. The Libraries and Reporting Committee approved the grant at its meeting on 13th September, 1979, subject to the approval of this Committee.

Approved

Ontario Reports

At its meeting on 13th September, 1979, the Libraries and Reporting Committee had before it a quotation dated July 26, 1979 from Canada Law Book Limited, covering the cost of distributing Ontario Reports for the period 1 January to 30 June, 1980.

That Committee approved the quotation, even though acceptance of this amount commits the Society to a total expenditure for the year ending 30 June, 1980, somewhat in excess of the budgeted amount.

Approved

LAW SOCIETY STAFF DEATHS

The Secretary regretted to report the deaths of two employees:

Mrs. *Sheila Eldridge,* a Clerk/Typist in the office of The Law Foundation of Ontario, died on 30 August, 1979. Mrs. Eldridge joined the Society in November 1975 and worked in Records and the Lawyer Referral Service before joining the Law Foundation.

Mr. *Donald B. McCrimmon* died on 4 September, 1979. Mr. McCrimmon, who was called to the Bar on 28 June, 1956, joined the Society's staff as Assistant Secretary in April 1976.

Noted

ASSISTANT TO FINANCE ADMINISTRATOR

The Chairman requested that the Committee consider the need to add another C.A. to the staff to act as Assistant to the Finance Administrator. In particular, this person would be charged with the responsibility for instituting and enforcing a system of budgetary control within the departments of Bar Admission Course and Continuing Education.

Approved

THE REPORT WAS ADOPTED

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MOTION TO SUSPEND: ARREARS OF ERRORS AND OMISSIONS INSURANCE LEVY

It was moved, seconded and *carried* that those Barristers and Solicitors who have failed to pay the levy prescribed under Section 53 of The Law Society Act and who have not been granted exemption from coverage by that date be suspended from 31st October, 1979 for a period of one year and from year to year thereafter or until their levies are paid or until applications for exemption from coverage are approved.

Of the 21 members whose names were before Convocation on 21st September, 1979, one was suspended as of 31st October, 1979. That member was subsequently reinstated.

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PUBLIC RELATIONS COMMITTEE–Mr. Goodman

Mr. E. A. Goodman, Chairman, presented the Report of the Public Relations Committee of its meeting on Thursday, 13th September, 1979.

The following members were present: Messrs. Goodman (Chairman), White and Willoughby.

SUMMER TOURS

With the approval and co-operation of the Chief Justice, Mr. Stephen Traviss arranged for public tours of Osgoode Hall during July and August, five days a week, between 1:00 o'clock and 2:00 o'clock each afternoon. The tours were conducted by 16 members of the Bar Admission Course and covered the central portion of the government's part of the building, the Great Library, Convocation Hall and the Benchers' Quarters. The existing pamphlet was revised and reprinted at a cost of $1,338.91.

The Committee recommended that the tours be repeated next summer and that some further publicity be given to them.

INSTITUTIONAL ADVERTISING

The sample in institutional advertising from England was before the Committee. This was drawn to the Society's attention by a practitioner in Woodstock, Ontario. The Committee was asked to consider whether such advertising is to be undertaken by the Society.

The Committee will call a special meeting to discuss the long range objectives of the Committee and how they can be attained.

THE REPORT WAS ADOPTED

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PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 13th September, 1979.

The following members were present: Messrs. Ground (Chairman), Genest (Vice-Chairman), Arthurs, Carnwath, Catzman, Lamont, Lerner, McWilliams, Strauss, Mrs. Sutherland and Mr. Wardlaw.

1. LAW CLERKS

As a result of certain correspondence from members of the profession a Sub-Committee has been appointed to consider the extent to which law clerks should participate in law practices. The Sub-Committee is composed of Mr. Genest as Chairman with Messrs. Lamont, Lerner and Outerbridge.

2. RULE 13

Paragraph 15 of Rule 13 deals with how lawyers may describe themselves when writing for "legal" and "non-legal" publications. With respect to the latter which states:

> "A lawyer may write for a 'non-legal' publication, that is, one with a general readership such as a newspaper, trade magazine, etc., and sign his name. He may be referred to as a barrister and solicitor, lawyer or Queen's Counsel, as the case may be, but he should not be referred to as a specialist, nor should any other statement of his special or professional qualification, experience or abilities be made by him or otherwise, nor should his firm name be stated. The area or areas of law in which he practises may, however, be mentioned."

the Committee recommended that there be an amendment to permit the inclusion of a lawyer's firm name in any biographical detail that might be given. It is felt that making such an amendment would be in keeping with the present position of the Society with respect to advertising. This would be accomplished by inserting after the word "be," in the 4th line the words "and his firm name may be stated" and by replacing the comma in the 7th line with a period and deleting therefrom the words that follow, namely, "nor should his firm name be stated."

3. A sole practitioner wrote to the Society with respect to a situation that had developed in a real estate transaction in which she was acting for the vendor. She had requested that the solicitors for the purchaser make the balance due payable to her office in accordance with a witnessed direction signed by her clients, and presented to the other firm. She was refused, the purchaser's lawyers taking the position that a direction from a client was not binding and that there was greater opportunity for misuse of funds in a sole practitioner's trust account than there would be in a partnership's account. She was also advised that she should not take such a refusal personally.

The Committee instructed the Secretary to advise that while it does not necessarily agree with the reason supplied to her by the law firm, there is, however, no rule of professional conduct that requires such a direction to be honoured. If a solicitor intends to produce a direction the other firm should be advised as soon as possible. Likewise if that firm intends not to honour the direction the solicitor should be informed forthwith upon its receipt.

4. A lawyer has written to the Society stating that over the past two or three years he has been devoting progressively less time to practising law and more time to sitting as an Arbitrator adjudicating upon disputes in the labour management area. Recently it was suggested to him that it would be advantageous from an income tax point of view if these arbitration services were provided by a corporation which would then employ him for such purposes. He asked whether there would be anything improper as far as the Society was concerned in this course of action.

The Committee could see nothing improper and instructed the Secretary to so advise.

5. RULE 13 – MAKING LEGAL SERVICES AVAILABLE

As a result of correspondence from members of the profession a Sub-Committee composed of Mr. Outerbridge along with Messrs. Carnwath, McWilliams and Yachetti was appointed to consider certain provisions contained in the Commentary to this rule.

(a) It was recommended that paragraph 5 be deleted. It was felt that its provisions can be included by amending paragraph 14(a).

(b) Paragraph 14(a) reads as follows:

> "A lawyer may publish a professional card in a newspaper, periodical, law list, programme or directory (other than a telephone directory) which is in general circulation in each place in which he maintains an office for the practice of law, provided that the publication will accept cards from all lawyers without restrictions. The professional card may contain information that he is in General Practice, or that he will practise in up to three of the preferred areas of practice defined by Convocation, provided that he complies with the requirements respecting those areas approved from time to time by Convocation; it may also contain information concerning the languages in which he is proficient and capable of conducting his practice, his addresses, telephone numbers and office hours, provided that such card shall be no larger than is reasonably necessary to convey such information."

The Committee was of the view that having relaxed its requirements concerning advertising the Society should not now unduly limit the type of publications that can carry professional cards. It was felt, however, that there should be some control as to size. It is therefore recommended that paragraph 14(a) be amended to read as follows:

> "A lawyer may publish a professional card in any publication provided that the publication will accept cards from all lawyers without restriction. The professional card may contain information that he is in General Practice, or that he will practice in up to three of the preferred areas of practice as defined by Convocation, provided that he complies with the requirements respecting those areas approved from time to time by Convocation; it may contain information concerning the languages in which he is proficient and capable of conducting his practice, his addresses, telephone numbers and office hours. The card shall be no larger than 12 sq. ins. or approximately 72 sq. cms. in size. A lawyer may also publish as aforesaid and circulate among the profession or among his clients announcements containing information pertaining to his practice such as change of office hours, change of address or change of personnel."

(c) Paragraph 14(b) of the Commentary reads as follows:

> "A lawyer may insert a listing in the white pages of the telephone company directory for each place in which he maintains an office for the practice of law and a similar listing in the section of the yellow pages of such telephone company directory devoted to lawyers. Such listings in a telephone company directory may contain the information referred to in sub-paragraph 14(a) and shall be no larger than is reasonably necessary to convey such information. Where the part of the yellow pages devoted to listings by lawyers provides separate sections for "General Practice" and for the preferred areas of practice approved by Convocation from time to time a lawyer may either insert a listing under "General Practice", or may insert listings under not more than three such preferred areas of practice. A firm of lawyers may either:
>
> (1) list the firm name only under "General Practice" and the names of each of the lawyers practising with the firm under up to three of such preferred areas of practice, followed by the firm name in brackets, or,
>
> (2) list the firm name only under up to three such preferred areas of practice."

Some members who practise outside of Toronto have written expressing concern that the paragraph, as presently drawn, prohibits their names appearing in yellow pages for all areas from which they draw clients. It is recommended that paragraph 14(b) be amended to read:

> "A lawyer may insert a listing in the white pages of the telephone company directory for each place in which he maintains an office for the practice of law. In the yellow pages of the telephone company directory, in addition to a listing for each place in which he maintains an office for the practice of law, a lawyer may insert a listing in the yellow pages published for that area in which he can reasonably be considered to practise law. Such listings in a telephone company directory may contain the information referred to in sub-paragraph 14(a) and shall be no larger than is reasonably necessary to convey such information. Where the part of the yellow pages devoted to listings by lawyers provides separate sections for "General

Practice" and for the preferred areas of practice approved by Convocation from time to time a lawyer may either insert a listing under "General Practice", or may insert listings under not more than three such preferred areas of practice. A firm of lawyers may either:

(1) list the firm name only under "General Practice" and the names of each of the lawyers practising with the firm under up to three of such preferred areas of practice, followed by the firm name in brackets, or,

(2) list the firm name only under up to three such prepreferred areas of practice."

6. The Committee had before it enquiries from two lawyers dealing with what might appear on their letterheads.

In one case, a lawyer who shared office space with two other members, wanted to set out below his name the statement that he was "in association with X, Q.C. and Y.". He stated that they performed legal services for his clients and he for theirs, fees being charged in each instance.

The second lawyer wanted to indicate on the bottom of his letterhead that he was "in association with the law firm of A. and B.", with the firm's address being set out. He reasoned that by doing so he would demonstrate to his clients that he would be in a position to call on the expertise of the members of that firm. He also wished to make a similar reference to this "association" on the sign identifying his office.

The Committee was of the opinion that the arrangements described in both these matters would be considered as a representation of an association which may not carry with it a corresponding liability at law. As a result members of the public could be misled. Therefore the Committee was of the opinion that it was improper to have such references on the letterheads.

7. Various other matters were considered with appropriate instructions being issued in each instance.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE–
Mr. Farquharson

Mrs. R. M. Tait presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 13th September, 1979.

The following members were present: Messrs. L. S. Willoughby (Vice-Chairman in the Chair), Lerner, Strauss, Mrs. Tait and Miss A. R. McCormick.

GREAT LIBRARY

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

GIFTS AND DONATIONS

The following donations of books were received in the Great Library:

D. L. Constable, Q.C. Toronto	A total of 8 volumes of texts, through Mr. Constable's son.
The Hon. Mr. Justice D. R. Steele Toronto	1 – Scobie's *Municipal manual for Upper Canada*, 3d Toronto, 1852.
Shell Canada Limited Law Department Toronto	A total of 227 volumes comprised of statutes, 14 texts and 12 digests. The statutes are an excellent assortment of various provincial revisions and annuals.

Noted

COUNTY AND DISTRICT LIBRARIES

ANNUAL GRANT

The Association listed below has sent in its Annual Return for the year 1978. The amount of the grant to which it is entitled under the Regulation in 1979 and the amount which it received in 1978 are as follows:

	1978		*1979*
Halton	$2,000		$2,000
		less	200*
			$1,800

*Subject to penalty of 10% because
of late submission of Annual Return.

Approved subject to the approval of the Finance Committee.

SUB–COMMITTEE ON COUNTY AND DISTRICT GRANTS

The Chairman of the Sub-Committee, Mr. Lerner, reported that 19 replies had been received from the County and District Law Libraries. He indicated that more replies will be received and that he will report to the October meeting.

Noted

TELECOPIER

The Secretary reported that he had received a letter from Walter B. Williston, Q.C., with a copy of a Newsletter attached indicating that a Telecopier Network has been established in Saskatchewan. The Chief Librarian reported that she had attended a demonstration of this type of equipment and had reported her opinion some years ago.

Noted

REPORTING

CANADA LAW BOOK TENDER TO PUBLISH ONTARIO REPORTS – JANUARY 1, 1980 TO JUNE 30, 1980

The Secretary reported that he had received a tender dated July 26th, 1979 from Canada Law Book Limited to publish the Ontario Reports for the period January 1, 1980 to June 30, 1980. Mr. D. V. Burnett, C.A., Finance Administrator of the Society, indicated that there was an actual increase of 6.8% over the latest tender for the period July 1, 1979 to December 31, 1979. He also indicated that the tender was more than last year's tender because it was based on 2,000 pages rather than 1,750.

The Committee recommended that subject to the approval of the Finance Committee the tender be approved.

CANADA LAW BOOK CONTRACT TO PUBLISH ONTARIO REPORTS

The Secretary reported that the contract between Canada Law Book and the Law Society which was approved by Convocation on August 2nd, 1979 had been executed. The Secretary submitted an account of counsel for the Law Society for negotiating and drafting the new contract.

The Committee recommended that the account of counsel in the amount of $2,000 be approved, subject to the approval of the Finance Committee.

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. Tobias

Mr. P. B. Tobias, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 13th September, 1979.

The following members were present: Messrs. Tobias (Chairman), Furlong, McWilliams, Strauss and White.

1. Accounts of an investigator and counsel for the Law Society were approved.

2. The Secretary received a complaint from a solicitor concerning an individual carrying on a para-legal service. He was instructed to write to the solicitor and indicate that there is insufficient evidence of unauthorized practice.

3. The Secretary received a complaint from a solicitor indicating that Bill 113 of the Ontario Legislature which was given 3rd Reading and Royal Assent in June 1979 might result in collection agencies and agents doing more work for the Small Claims Courts. Bill 113 is an Act for the establishment and conduct of a Project in the Municipality of Metropolitan

Toronto for the development of improved methods of processing certain Civil Actions. When the Bill is proclaimed, the monetary limit of the Small Claims Courts in Metropolitan Toronto only will be increased to $3,000. The Secretary was instructed to write to the solicitor who complained and indicate that this matter will be reported to the Treasurer and to Convocation to see whether the Law Society may wish to make representations to the Committee considering the changes to the Small Claims Court Act.

4. Letters were received from several solicitors complaining about a conveyancing agency holding itself out in an advertisement as being capable of doing real estate transactions. The Secretary was instructed to refer this matter for further investigation.

5. A letter was received from a solicitor who complained that a divorce agency was holding itself out as a solicitor in an advertisement in the personal column of the Kitchener-Waterloo Record. The Secretary was instructed to refer this matter for further investigation.

6. A complaint was received from the President of the Sudbury District Law Association that a divorce agency has been holding itself out as a solicitor in an advertisement in the Sudbury Star. The Secretary was instructed to refer this matter for further investigation.

7. A letter was received from a solicitor who complained that Manitoba solicitors are practising law and acting for clients on transactions in Northwestern Ontario. The Secretary was instructed to write to the Presidents of the Kenora, Rainy River and Thunder Bay Law Associations, so that a meeting could be arranged at the same time as the meeting with the County and District Law Association Presidents. The Secretary was also instructed to send copies of the correspondence to the Admissions Committee.

8. A complaint was received from a Manitoba solicitor that a Chartered Accountant was giving legal advice to an individual. The Secretary was instructed to refer this matter to counsel for a legal opinion.

9. A complaint was received from a solicitor about an adver-

tisement which appeared in the London Free Press indicating that an agency would incorporate companies. The Secretary was instructed to refer this matter to counsel for an opinion as to whether there was sufficient evidence of a breach of Section 50 of the Law Society Act.

10. A letter was received from a solicitor who complained about an estate planning agency giving legal advice concerning family law. The Secretary was instructed to refer this matter for further investigation.

11. A complaint was received from a solicitor about an advertisement in which an agency held itself out as being able to advise on immigration law. The Secretary was instructed to discuss this matter with the solicitor who complained and to place it on the agenda of the next meeting of the Committee.

12. A complaint was received from a solicitor that an agency was holding itself out as a solicitor. The Secretary was instructed to write to the solicitor to see if he has further information concerning this agency.

13. A letter was received from a solicitor who complained that a mortgage broker was preparing discharges of mortgages and charging discharge fees. The Secretary was instructed to write to the solicitor and indicate that preparing a discharge of mortgage is not unauthorized practice.

14. The Secretary received a report from an investigator concerning an immigration consultant. The Secretary was instructed to refer this matter for further investigation.

15. The Secretary reported that he had received letters concerning Osgoode Legal Research Foundation. Following consultation by two Benchers with the Companies Division, the name of the foundation will be changed to "Osgoode Law School Legal Research Foundation".

16. A complaint was received from a solicitor concerning an agency advertisement which appeared in an Arnprior newspaper. The Secretary was instructed to contact counsel who had given a legal opinion and ask him how many cases the agency is handling and for a further opinion on the evidence on which he is relying.

THE REPORT WAS ADOPTED

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PRACTICE AND INSURANCE COMMITTEE–Mr. Brulé

Mr. J. A. Brulé, Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 13th September, 1979.

The following members were present: Messrs. Barr (Vice-Chairman in the Chair), Carthy, Chadwick, Doran, Ogilvie, Wardlaw and Mrs. Legge. Messrs. Hargraft and Maltman were present at the Chairman's request.

EQUALIZATION FUND AGREEMENT

As part of the premium paid to Gestas, the sum of $10.00 per member is paid into the Trust Fund to be held for five years and used to increase the amount Gestas receives as premium should loss experience warrant it. Interest on this Fund is paid into it and if the Fund is not used, it and the interest it has earned are to be repaid to the Society. The arrangements concerning the Fund need to be spelled out in an agreement.

Gestas proferred a draft Agreement on which Mr. Stinton commented. In January 1979, this Committee recommended that Mr. W. L. N. Somerville be retained to act for the Society on settling the agreement. A letter from Mr. Somerville together with a draft agreement he had prepared and comments on it by Mr. Hargraft were before the Committee.

The Committee recommended that the draft agreement be discussed with Gestas and be referred to a committee composed of the Chairman of this Committee, Messrs. Somerville, Morland and Jarvis to settle a draft for consideration by the Committee.

ADJUSTERS' FEES

Lists of the fees paid in August, 1979, to adjusters under the old Fund, the 1977 Fund, the 1978 Fund and the 1979 Fund were before the Committee.

Noted

COUNSEL FEES

A list of the fees paid to Counsel during August, 1979, was before the Committee.

Noted

MONTHLY REPORT

Mr. Hargraft's monthly report was before the Committee.

Noted

RENEWAL NEGOTIATIONS – LEVY FOR 1980

Mr. Hargraft reported that negotiations are proceeding satisfactorily and that a report from the Society's brokers is expected to be received shortly.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. P. B. C. Pepper, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 13th September, 1979.

The following members were present: Messrs. Pepper (Chairman), Cass and Willoughby.

APPLICATIONS

The Committee considered two applications for grants. One application from an impoverished lawyer with a family to support had been before the Committee at its June meeting, at which time the Committee recommended that no grant be made, without prejudice to the Chairman's discretion to make a grant if further information should appear in his opinion to warrant it. On receipt of further information the Chairman authorized that a grant be made. The Committee was asked to ratify the grant. The Committee recommended that the Chairman's action be ratified.

With respect to the second application, the Committee recommended that a grant be made.

THE REPORT WAS ADOPTED

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CLINIC FUNDING COMMITTEE

Mr. P. B. Tobias, Chairman, presented the Report of the Clinic Funding Committee dated 21st September, 1979.

The Clinic Funding Committee met in the Boardroom of The Ontario Legal Aid Plan on June 14, July 12, July 31, August 10, and August 15. Its most recent meeting took place on September 11. The following members of the Committee were present:

Peter Tobias, Chairman
Noel Ogilvie, Vice-Chairman
Mary Cornish
Brian Bellmore
Michael Fitzpatrick

1. *Establishment of the Clinic Funding Committee*

    a. The Clinic Funding Committee was created by an amendment to the Regulation under the Legal Aid Act as a result of the recommendations of the Commission on Clinical Funding (the Grange Commission) concerning the operation of clinics. The Clinic Funding Committee is required to administer the allocation of funds ($3.5m in 1979/80) to community clinics providing legal services throughout the province.

    b. The Committee is composed of five members, three of whom are appointed by The Law Society of Upper Canada, the other two being appointed by the Attorney General. At least one member appointed by The Law Society and one appointed by the Attorney General must be persons who have been associated with a clinic.

2. *Clinic Funding Staff*

    a. The Clinic Funding Committee is assisted by a full-time clinic funding staff who are employees of The Ontario Legal Aid Plan. The staff is directed by the Clinic Funding Manager, Mary Jane Mossman. There are presently two other members of staff, Annette Vaughan and Mary Tomlinson, and the staff is assisted by two support staff members.

    b. The Clinic Funding Committee's proposal to hire an articling student was not approved by the Legal Education Committee; an additional staff member may be hired on a contract basis for the duration of this fiscal year.

3. *Policy-Making*

    a. The Committee is formulating policy with respect to those matters within its jurisdiction as provided in the new Regulation, and has adopted a general approach of circulating policy papers on various topics to community clinics for their consideration and comment. A paper has already been circulated concerning the Committee's general approach to its function and powers under the new Regulation.

    b. Draft policy papers on the following topics are presently under consideration and will be circulated in the near future:

        (i) Funding: Criteria, Priorities and Procedures;
        (ii) Appeals and Hearings: Rules and Procedures;
        (iii) Training and Education Programs;
        (iv) Reporting Requirements;
        (v) Complaints Procedures; and
        (vi) Payment of Court Costs: Criteria and Procedures.

4. *Applications for Clinic Funding Processed to Date*

The Clinic Funding Committee considered applications from clinics pursuant to its powers under the new Regulation. In particular, the Committee has considered and recommended funding in respect of the following applications:

(i) Ottawa Community Legal Services: a new clinic (s.148(1)(c)) not to exceed $45,000.

(ii) Parkdale Community Legal Services: supplementary funding (s.148(1)(c)) not to exceed $30,000.

(iii) Correctional Law Program (Queen's): supplemental payments for exceptional legal disbursements (s.148(1)(m)) not to exceed $600.

(iv) Parkdale Community Legal Services: payment of court costs (s.152) not to exceed $2,179.33.

(v) Injured Workers' Consultants, Industrial Accident Victims Group of Ontario, and Toronto Community Legal Assistance Services: training programs conducted by clinics (s.148(1)(k)) not to exceed $750.

5. *Special Matters*

The Committee has been considering a number of matters of concern to community clinics generally, and will be attempting to make arrangements to assist the work of clinics in relation to these matters. They include:

(i) The provision of liability insurance for employees of community clinics, and especially for community legal workers;

(ii) Arrangements for obtaining authority for community clinic workers to act as Commissioners for Oaths;

(iii) Implementation of tickler systems appropriate to the work of community clinics; and

(iv) Arrangements for permitting advertising by community clinics.

THE REPORT WAS RECEIVED

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CONVOCATION ROSE AT 4:10 P.M.

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Confirmed in Convocation 19th October, 1979.

G. D. FINLAYSON
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 19th October, 1979
10.00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Bowlby, Brulé, Bynoe, Cass, Carnwath, Carter, Carthy, Catzman, Chadwick, Chilcott, Doran, Farquharson, Ferrier, Furlong, Genest, Goodman, Gray, Ground, Henderson, Humphrey, Lamont, Mrs. Legge, Messrs. Lochead, McWilliams, O'Brien, Ogilvie, Outerbridge, Pepper, Ruby, Scace, Shaffer, Shibley, Strauss, Mesdames Sutherland and Tait, Messrs. Thom and Wardlaw.

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MINUTES

It was moved, seconded and *carried* that the Minutes of Convocation of 21st September, 1979 be taken as read and confirmed by Convocation.

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CLAYTON C. RUBY, BENCHER

Mr. Ruby spoke to Convocation respecting an article which appeared in The Globe and Mail as the result of an interview he gave.

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SPECIAL COMMITTEE ON PREPAID LEGAL SERVICES

Mr. P. G. Furlong, Chairman, presented a Report of the Special Committee on Prepaid Legal Services (formerly the Special Committee on Prepaid Legal Costs Insurance) with respect to three meetings. The Report was dated 20th September, 1979.

The Committee composed of Messrs. Furlong (Chairman), Lochead, O'Brien, Sutherland and White met on March 7, August 8 and September 12, 1979. Mr. Andrew Lawson, Provincial Director of The Ontario Legal Aid Plan met with the Committee on August 8, 1979.

This Committee first was organized several years ago largely to monitor the progress and evolution of so-called Prepaid Legal Service plans or insurance. Your Committee as presently constituted has continued in that course but because during the past several months there has been a sudden surge of activity in the area the Committee now feels it timely to make an interim report to Convocation and seek instructions of Convocation with respect to recommendations and activities of the Committee.

In 1972 the Committee as then constituted made the following recommendations that were adopted by Convocation:—

"1. The Law Society does not oppose the licencing of any insurance company which would offer prepaid Legal Insurance but we would request the opportunity to assist the Superintendent in the drafting of the required legislation and in the approval of the proposed form of policy.

2. We should like to establish certain guidelines for the coverage. Paramount among these is that the policy provide for complete freedom in the choice of lawyers by the insured and that the insurance company in no way be placed in a position whereby it may directly or indirectly recommend the services of any particular lawyer.

3. Any plan of Prepaid Legal Insurance must be administered in such a way that a solicitor acting thereunder would not in any way be in breach of the rulings of the Law Society.

4. The Law Society is prepared to offer the services of a special committee to work in liaison with the Department of Insurance to deal with problems which may arise from time to time with respect to the new insurance coverage."

The Superintendent of Insurance was advised of the above recommendations as approved by Convocation and in May of 1976, a legal officer in the Superintendent's office, in response to an inquiry by or on behalf of an insurer with respect to a then proposed group legal expense insurance plan, declined detailed comments on a form of contract presented and advised of the Superintendent's general position, stating the Law Society's position at that time to require:

(a) Any contract would have to provide the insured with complete freedom in selecting a lawyer of his own choice;

(b) It would be a clear condition that the insurer in no way would be placed in a position whereby it may directly or indirectly recommend the services of any particular lawyer;

(c) Any such plan of insurance must be administered in such a way that a solicitor acting thereunder would not in any way be in breach of the rules and ethics of the Law Society.

At that time (1976) there was no objection on the part of the Superintendent to the general concept of legal expense insurance subject to certain conditions and limitations but apparently there was not such a demand as to satisfy the Superintendent there was some positive general need in Ontario for that type of insurance sufficient to warrant the creation of a new class of insurance and the matter then seemed to rest until the announcements this year of the United Grain Growers plan in Saskatchewan and the proposed Gestas plan in Ontario. Your Committee believes following announcement of those two plans there has been a flurry of activity and inquiries to the Superintendent's office in Toronto.

Within the past few years a few plans have been prepared and proposed in Canada, notably British Columbia and Alberta. The British Columbia Branch of the Canadian Bar Association prepared a plan for distribution or marketing but it does not seem to have "got off the ground". The Teamsters in British Columbia had announced a serious demand for such type of benefit to be included in a subsequent collective bargaining process but that seemed to have been abandoned, or at least delayed, perhaps because of the Anti Inflation programme which in the interval had come into force in Canada.

In the past year or so your Committee has carried on a continued liaison with the Special Committee of the Canadian Bar Association dealing with the same subject, and with the Research and Resource Program for Prepaid Legal Services sponsored by the Faculty of Law, University of Windsor, and the chairman has met with representatives of the offices of the Ontario Superintendent of Insurance and Attorney General's Department.

Prepaid Legal Service plans have been in existence in various countries of Europe for many years, and in various states of the United States of America for fewer years, but they are relatively new to Canada. The Program at the University of Windsor is for the first time in this country carrying out in depth research in the subject including research into problems that may be raised as a result of income tax law, labour law, Combines Investigation Act and insurance law. The Program is funded by grants already approved or applied for including a conditional allowance from the Donner Foundation of $90,000 over a three year period. These resources enable the researchers engaged by the Program to perform a function probably not yet otherwise carried out in Canada. The Program is on the weekend of October 19 and 20, 1979, sponsoring the first national convention in Canada dealing solely with the subject of Prepaid Legal Services. The working and other papers prepared or to be prepared for the Program are available and may be obtained by writing to the Program care of the Faculty of Law at the University of Windsor.

As indicated progress in marketing plans in Canada was delayed or handicapped by the A.I.B. initially. The Committee last Winter was advised that the bargaining agents for the employees of one major automobile company in Canada would in 1979 contract negotiations with the employer negotiate for the Prepaid Legal Service Plan; if those negotiations took place they do not appear to have received any publicity.

Some delay has been caused because of the need to resolve the question whether Prepaid Legal Service plans are plans of insurance or pure Prepaid Service plans. The distinction in either case may be difficult to perceive. Your Committee believes it is likely that the problem will be resolved by treating these plans as a form of insurance and the introduction of a new class of insurance to be governed by the Ontario Insurance Act. The resolution of that question does not seem to have any particular significance to the Society.

At one time it was suggested this Committee on behalf of the Society prepare a draft Prepaid Legal Service plan or scheme which would be acceptable to the Society and in which the members of the Society may participate. Your Committee has received copies of several Prepaid Legal Service plans; some presented and marketed by private insurers, some in the form of collective bargaining agreements, and some sponsored by groups such as an association of teachers and made available by it to the members of the group. Your Committee recommends that the role of the Society in this area be restricted to that which may be expected of a governing body, and that the Society at this time refrain from becoming involved in underwriting or marketing prepaid plans, in the collective bargaining process, or in carrying on the business of an insurer.

The present and most obvious area for concern on the part of the Society seems to be with respect to the possible debate between advocates of closed or open legal service panels. A plan with a wholly open panel is one under which a subscriber or beneficiary has complete freedom to select any lawyer in the Province to provide to that subscriber any prepaid or insured service. There are many variations and degrees of closed panels: a subscriber may be required to obtain the service from a full time staff lawyer; or from members of one or more specified law firms; or from specified or unspecified firms within a certain geographical area, etc. Rule 13 of the Code of Professional Conduct seems to restrict or prohibit participation by an Ontario lawyer in any of the types of closed panels. It remains to be seen whether the Canada Combines Investigation Act legislates to the contrary and research papers available to date to your Committee do not resolve that potential issue. Closed panels potentially raise professional conduct problems including steering, advertising, fee splitting, conflict of interest, unauthorized practice by corporations, intervention by third parties in solicitor/client relationships and interference with the client's freedom of choice.

In addition to the historical objections one may have to a plan having a form of closed panel there is a potential such plans may in some circumstances violate the competition or combines laws. Such plans also have the potential of prejudicially affecting the sole practitioner or small law firms. It has been pointed out that such plans while offering guarantees of payment, etc. also reduce the charge for services and in order for lawyers to participate they may be forced to capital or other investments of an extent not readily financed by the sole practitioner or small firm. Your Committee considers that it is vital in the interest of the public that the institution of sole practitioners available to serve the public be preserved.

Every Prepaid Legal Service plan proposed to date in Ontario and which has been brought to the attention of your Committee provides for a wholly open panel of participating solicitors.

Your Committee recommends:

1. The Law Society does not engage in advancing, underwriting or marketing any plan of Prepaid Legal Service or insurance.
2. The Law Society advise the Ontario Superintendent of Insurance of its opposition to closed panels and its reasons therefor, such reasons being as indicated in this report.
3. The Special Committee continue to monitor and observe activities in the area of Prepaid Legal Service or insurance plans in the Province of Ontario.
4. The Special Committee continue its liaison with the Canadian Bar Association Prepaid Legal Service Committee and with the University of Windsor Research and Resource Program for Prepaid Legal Services.
5. The Society request the Superintendent of Insurance for Ontario,
   (a) to require insured or Prepaid Legal Service plans to provide only for wholly open panels of lawyers;
   (b) to permit the Society to review and comment upon any insured or Prepaid Legal Service plan or policy submitted to the Superintendent be-

fore approving the same;

(c) to permit the Society to participate in the drafting of any enabling legislation with a view to assuring that there will be no conflict between activities of the members of the Society as permitted or restricted by the Code of Professional Conduct and such activities as may be contemplated by the legislation or plans presented;

(d) to report to the Society any complaint received with respect to the professional conduct of members of the Society participating in prepaid or insured legal service plans.

THE REPORT WAS ADOPTED

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APPOINTED BENCHER

The Treasurer announced that he had just been advised that Mr. *Robert S. Tebbutt* of Toronto had been appointed a lay Bencher of the Society to replace Mr. J. D. Carrier whose term of office had expired on 17th August, 1979. Mr. Tebbutt was appointed by Order-in-Council approved by Her Honour the Lieutenant Governor on 17th October, 1979. His appointment is effective from 17th October, 1979 and continues until the benchers elected in 1983 take office.

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USE OF THE LAW SOCIETY'S MAILING LIST BY THE ATTORNEY GENERAL FOR ONTARIO

The Treasurer reported on a discussion he had had with the Attorney General respecting the availability of the Society's mailing list.

It was moved, seconded and *carried* that as an exception to Convocation's ruling that the Society's mailing list not be made available, and subject always to the Society's overriding discretion in any particular instance, the Attorney General be permitted to use the mailing list for material of interest to the profession originating in his own or any other Ministry of the Ontario Government.

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ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 11th October, 1979.

The following members were present: Mrs. L. L. Legge (Chairman), Messrs. Carthy, Cass, Chilcott, Ferrier, Ground, Lamont, Scace, Mrs. Sutherland, and Mr. White.

OCCASIONAL APPEARANCE

D'Arcy Charles Henry McCaffrey, of the Province of Manitoba applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Lakehead University vs. Midway Roofing and Supply Limited.* Mr. McCaffrey complied with the requirements of Section 10 and presented a Certificate of Good Standing. He asked to be called to the Bar of Ontario at the October Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Special – Regulation 9

The following candidates, having filed the necessary papers, paid the required fee of $200 and complied with the requirements of the Admission Committee in their particular cases, were entitled to be called to the Bar and to be granted Certificates of Fitness:

Craig Brown	Faculty of Law, University of Western Ontario.
Bruce Peri Feldthusen	Faculty of Law, University of Western Ontario.
Bradford Wilmot Morse	Faculty of Law, University of Ottawa.

Joseph Eliot Magnet	Faculty of Law, University of Ottawa.
Sanda Rodgers-Magnet	Faculty of Law, University of Ottawa.
Philip William Slayton	Faculty of Law, University of Western Ontario.
Sharon Anne Williams	Osgoode Hall Law School of York University.
Timothy George Youdan	Faculty of Law, University of Western Ontario.

Call to the Bar for an Occasional Appearance

At its meeting on 13th September 1979, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearance in Ontario of lawyers from other Provinces" and that upon giving the necessary undertaking he be called to the Bar and admitted as a Solicitor:

Chrysant Wsewolod Iwanchuk	Province of Manitoba

At its meeting on 11th October 1979, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearance in Ontario of lawyers from other Provinces" and that upon giving the necessary undertaking he be called to the Bar and admitted as a Solicitor:

D'Arcy Charles Henry McCaffrey	Province of Manitoba

Approved

UNAUTHORIZED PRACTICE

A letter has been received from a lawyer in Fort Frances, expressing concern that lawyers in the province of Manitoba are handling matters with respect to the purchase and sale of real property in Ontario, and asking the Law Society to consider the problem and give direction to the solicitors in Northwestern Ontario. His letter was before this Committee and also before the Unauthorized Practice Committee.

Noted

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

Four further candidates having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 21st Bar Admission Course as of 1st September, 1978.

A further 373 candidates having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 22nd Bar Admission Course as of 1st September, 1979.

Approved

DIRECT TRANSFER

The Committee considered two applications to transfer to practise in Ontario by two lawyers, one a member of the Alberta Bar and the other a member of the New Brunswick Bar. Both applicants sought permission to proceed under Regulation 4(1). The applications were approved.

ACCOUNT FOR APPROVAL

Thomas J. Lockwood submitted his account in the amount of $798.66 in connection with the readmission hearing of John Robert Crerar.

Approved

JOHN ROBERT CRERAR

Mr. Crerar has given his written undertaking that he will not, without the prior consent of Convocation, enter into private practice, except as an employee or partner of a member or members of The Law Society of Upper Canada, as recommended by the Admissions Committee on 18th July 1979 and approved by Convocation on 1st August 1979.

Noted

EXTERNAL EXAMINATIONS

A letter from Professor R. E. Scane has been received by the Society asking that the fee for marking a paper be increased to $30 (from $15) effective upon the next set of examination scripts to be transmitted for marking for the remaining period until the new method of administering the examination is in place.

Approved provided the fee charged the applicants is adjusted appropriately.

PETITION
BAR ADMISSION COURSE

The Committee considered and approved one petition of a routine nature.

OCCASIONAL APPEARANCES

The Committee was asked to consider the question of Occasional Appearances. Information respecting the functioning of the present regulation was before the Committee.

The Committee recommended that subject to Convocation's direction, the Committee in future recommend that the discretion be exercised to permit an occasional appearance only where it has been shown that otherwise the client would be seriously prejudiced.

It was moved in Convocation, seconded and *carried* that the recommendation not be approved.

REGULATION 9

Two reports of the Sub-Committee on Regulation 9, dated June 1974 and May 1978, and a list of professors who have been approved for special call to the Bar under Regulation 9 since the last Report were sent to the Committee members as requested at its last meeting on 13th September 1979.

Stand for one year.

With the exception of the item respecting Occasional Appearances,

THE REPORT WAS ADOPTED

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CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Craig Brown
Bruce Peri Feldthusen
Bradford Wilmot Morse
Joseph Eliot Magnet
Sanda Rodgers-Magnet
Philip William Slayton
Sharon Anne Williams
Timothy George Youdan
D'Arcy Charles Henry McCaffrey
Chrysant Wsewolod Iwanchuk

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:35 P.M.

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The Treasurer and Benchers had as their guests for luncheon The Honourable Mr. Justice S. G. M. Grange and The Honourable Mr. Justice D. H. Carruthers of the High Court of Justice of The Supreme Court of Ontario, Mr. Fred M. Catzman, Q.C., who became a Life Member of the Society on 19th September, 1979, and Mr. Robert S. Tebbutt.

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CONVOCATION RESUMED AT 2:20 P.M.

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PRESENT:

The Treasurer and Messrs. Bowlby, Brulé, Bynoe, Cass, Carter, Carthy, Catzman, Chadwick, Chilcott, Doran, Farquharson, Ferrier, Genest, Ground, Lamont, Lochead, McWilliams, O'Brien, Ogilvie, Pepper, Ruby, Scace, Shaffer, Mesdames Sutherland and Tait, Messrs. Thom and Wardlaw.

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PRACTICE AND INSURANCE COMMITTEE–Mr. Brulé

Mr. J. A. Brulé, Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 11th October, 1979.

The following members were present: Messrs.Brulé (Chairman), Barr, Chadwick, Doran, Farquharson, Ogilvie and Mrs. Legge. Mr. Doner was present at the Chairman's request.

ADJUSTERS' FEES

Lists of the fees paid in September, 1979, to adjusters under the old Fund, the 1977 Fund, the 1978 Fund and the 1979 Fund were before the Committee.

Noted

COUNSEL FEES

A list of the fees paid to Counsel during September, 1979, was before the Committee.

Noted

MONTHLY REPORT

Mr. Hargraft's monthly report was before the Committee.

Noted

LEVY FOR 1980

Marsh & McLennan, the Society's brokers, have negotiated on the Society's behalf with Gestas Limited the cost of coverage for 1980. Gestas Limited had indicated that the loss record required there to be a substantial increase in the premium. Knowing this, the Society instructed its broker to seek quotations on not only the current $100,000 limit but on an increased limit of $250,000. The reason for this is that inflation makes a higher limit appropriate and if the cost of insurance is to rise markedly, it would cost proportionately less to raise the coverage and be a more acceptable situation to the members of the Society.

Gestas at first indicated that for a limit of $100,000, a premium of $160 would be needed plus $15 for the premium stabilization fund. For $250,000 coverage, a premium of $190 would be needed plus $15 for the premium stabilization fund.

On the recommendation of this Committee, Convocation on September 12th approved the loss prevention programme recommended by Peter D. Norman & Associates and this information was given to the Society's brokers. They continued their negotiations with Gestas, who, because of the action the Society had taken respecting the loss prevention programme, reduced the premium by $50 regardless of the limit of coverage chosen. Marsh & McLennan Limited have recommended that Gestas' quotation for whichever limit is selected be accepted.

There was some urgency in concluding an agreement with Gestas because the Society's levy must be calculated on the basis of the premium paid to Gestas and must be settled without delay so that the necessary forms and invoices could be printed and distributed. Accordingly, the Chairman of the Committee authorized the Secretary to instruct Marsh & McLennan Limited to accept Gestas Limited's offer to provide $250,000 coverage at a premium of $140 plus $15 for the stabilization fund. The Committee was asked to ratify the Chairman's action.

The Committee ratified the Chairman's action.

Peter D. Norman & Associates, the Society's consultant, recommended that the levy for 1980 be $715. Later in this report appear items respecting an allowance for attendance at the loss prevention programme and an experience rating allowance which, for the majority of members, would work a significant reduction in the levy. The following table shows the make-up of the levy. The premium to Gestas is shown in the first line as $190. The $50 reduction allowed by Gestas because of the risk management programme appears two-thirds of the way down the table.

1980 LEVY

COST ANALYSIS FOR THE LEVY IN 1980

Insurance Premium to Gestas Corp.	$190.00
Stabilization Fund Contribution	15.00
Brokerage	4.75
Consulting	2.00
Salaries and Administration	12.00
Practice Advisory	12.00
Contribution to 1976 Fund Shortfall	13.25
Contingency Fund	11.00
	260.00
Required Contribution to Stop Loss	300.00
	560.00
Adjusting and Counsel	80.00
	640.00
Risk Management Programme	25.00
	665.00
Gestas Allowance for Risk Management Programme	(50.00)
	615.00
Allowance for Attendance (1981)	50.00
	665.00
Experience Rating Allowance	50.00
	$715.00

The Committee recommended that the levy be $715.

LEVY – LOSS CONTROL – EXPERIENCE RATING ALLOWANCE MULTIPLE DEDUCTIBLES

The cost of Errors and Omissions Insurance is rising substantially at a time when many members who have had no claims made against them are urging that some differential rating be applied so that a higher levy will be paid by those who have caused losses or who practise in a field which has given rise to a disproportionate number of claims or amount of losses.

(a) Rebate for attending Loss Prevention Programme

Convocation has already approved of the institution of a loss prevention programme and work on this is proceeding as quickly as possible. All insured members will be urged to attend the programme with key members of their staffs. The Committee was asked to consider recommending to Convocation that as an incentive, members who attend the programme be given a rebate of $50 on the levy for the ensuing year.

Approved

It was moved in Convocation, seconded and *carried* that the $50 credit for taking the loss prevention programme be applied as a charge in 1981 against those who have not taken the programme in 1980.

(b) Experience rating allowance

To give some comfort and encouragement to those who have not had any claims against them paid out of the insurance fund, the Committee was asked to consider recommending to Convocation that a discount of $50 be granted off the levy for 1980 and subsequent years to those members who have not had any claims against them paid out of the Society's insurance fund during the three year period preceding the first of October in each year.

Approved

(c) Multiple deductibles

The loss records indicate that about half the number of losses have occurred in the real estate field and approximately half of these involve matters in which the lawyer has acted for more than one interest. This practice is prevalent in Toronto and other cities and most often happens where the lawyer has handled a subdivision of land and has searched the whole property and later acted for purchasers of individual lots.

The Committee was asked to consider recommending to Convocation that members be made responsible for an individual deductible amount in respect of a claim by each interest for which they act in real estate transactions; that is to say, that a member acting for both the Vendor and the Purchaser would be responsible for a deductible of $5,000 in respect of each, or a total of $10,000; if acting for Vendor, Purchaser and Mortgagee, the total deductible would be $15,000.

Without commenting on the propriety of the practice, the Committee recommended that the plan be put into effect in 1981.

(d) Levy – Penalty for late payment

The Committee was asked to consider recommending that members who are late in paying their Errors and Omissions Insurance levy be charged a penalty beginning with the levy for 1981 and that the necessary changes in the Society's rules be made to effect this.

The Committee recommended approval in principle.

CHATTEL MORTGAGES – "SOUNDEX" SEARCH – DAVID W. FORREST

Correspondence was before the Committee from David W. Forrest who practises in Scarborough. He relied upon a "soundex" search in the Sheriff's Office in respect of an automobile but did not become aware of a mortgagee who had a charge against the automobile. He sought to have the Ministry of Consumer and Commercial Relations pay the Sheriff's account on the ground that the "soundex" search misled him. The Ministry declined and Mr. Forrest asked the Society to take up the matter with the Ministry.

The Committee recommended that no action be taken.

ACCOUNT

An account in the amount of $5,805 from Peter D. Norman & Associates (B.C.) Ltd. was before the Committee for its approval for payment.

Approved

MARSH & McLENNAN – FEE

Marsh & McLennan Limited, the Society's brokers in respect of the Errors and Omissions Insurance Policy, are paid on the basis of an agreed fee rather than a commission. Last year, their fee was $42,500. In a letter dated October 3rd, 1979, Mr. Morland, Assistant Vice-President of Marsh & McLennan

Limited, proposed that the fee for the current year be $47,200. He stated that negotiations in respect of renewal for 1980 involved considerably more work, that daily activity required of the brokers in respect of this policy had increased over the past year and that inflation had affected basic costs.

Approved

THE REPORT AS AMENDED WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE— Mr. Farquharson

Mr. G. H. T. Farquharson, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 11th October, 1979.

The following members were present: Messrs. Farquharson (Chairman), Shaffer, Strauss, Mrs. Tait, Mr. Willoughby and Miss A. R. McCormick.

GREAT LIBRARY

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

COUNTY AND DISTRICT LIBRARIES

THUNDER BAY

The Chief Librarian inspected the District of Thunder Bay Law Library on October 1, 1979. The library was found to be in generally good order and the executive of the association was advised of the various findings which will be included in a subsequent report.

Noted

SUB–COMMITTEE ON COUNTY AND DISTRICT GRANTS

The Secretary reported that the Chairman of the Sub-Committee, Mr. Lerner, had completed an interim report. The Committee recommended that this matter be tabled to the November meeting.

LAWYER REFERRAL SERVICE – OTTAWA

Before the Lawyer Referral Service was established on a province-wide basis, local services were established in Ottawa and London. Local services were operated by the County Law Associations, with the costs being reimbursed to them by the Society. The London service was discontinued last year. The Ottawa service has been allowed to continue at the request of Carleton County Law Association, even though service could be provided from Toronto in the same way that it is provided for the rest of the province. The Committee recommended that no action be taken on the request of the Carleton County Law Association that the Law Society continue to finance the Ottawa Lawyer Referral Service.

It was moved, seconded and *lost* that the lawyer referral service be maintained in Ottawa for one further year to be paid for out of the Society's general funds.

THE REPORT WAS ADOPTED

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 11th October, 1979.

The following members were present: Mr. J. J. Carthy, Chairman, Messrs. Arthurs, Barr, Brulé, Doran, Ferrier, Genest, Ground, Lamont, Outerbridge, Scace, Thom, Wardlaw and Mrs. R. M. Tait.

FACULTY APPOINTMENTS –
Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 4th, 1979:

(a) Creditors' and Debtors' Rights Section:

Group Instructors (Osgoode Hall): G. S. Gringorten, G. N. Hemsworth.

Group Instructors (Ottawa): E. R. Williams, J. J. C. Cardill, P. D. Rasmussen.

Standby Instructor (London): F. H. Highley.

(b) Family Law Section:

To continue as Head of Section, J. C. MacDonald, Q.C.

Group Instructors (Osgoode Hall): J. M. Banfill, G. W. Brigden, D. J. Brown, T. W. Caskie, M. T. Chilco, N. N. DaSilva, Rodica David, L. S. Dranoff, Igor Ellyn, P. M. Epstein, F. G. Felkai, J. C. Goldberg, J. G. Goodwin, S. M. Grant, G. P. Johnstone, R. J. Klassen, T. J. Lockwood, P. F. Marchildon, R. E. Mesbur, R. J. Otter, R. D. Preston, Gerald Sadvari, Robert Schipper, G. K. Selzer, S. B. Smart, D. M. Starzynski, H. D. Stewart, R. D. Timms, Patricia Wallace, Karen Weiler.

Group Instructors (Ottawa): W. J. L. Brennan, Leonard Levencrown, Leonard Max, M. F. Monaghan, M. J. B. Rice, W. L. Riley, J. D. Snipper.

Group Instructors (London): J. J. Comartin, J. J. Foreman, B. T. Granger, Alfred Mamo, J. S. Mitchell.

Standby Instructors (Osgoode Hall): A. B. Doran, L. K. Ferrier, J. R. R. Jennings, M. C. Kronby, Benjamin Laker, M. D. Lipton, D. H. Lissaman.

Standby Instructors (Ottawa): T. C. Barber, P. J. Lafrange.

Standby Instructors (London): R. A. Beccarea, R. W. Dickie, P. M. Ledroit.

(c) Income Tax Section:

To continue as Head of Section, A. R. A. Scace, Esq.

Group Instructors (Osgoode Hall): D. R. Allgood, G. R. Baker, W. G. Beach, F. E. Cappell, Brian Carr, G. C. Corn, J. R. Dingle, L. G. Dollinger, R. G. Fitzsimmons, N. H. Harris, L. R. Hepburn, G. R. Hiseler, G. L. Jacobs, I. S. MacGregor, A. J. R. Mastin, M. A. Mogan, Blake Murray, B. H. Naiburg, J. M. Parks, S. R. Richardson, M. J. Rochwerg, S. S. Ruby, L. H. Saltman, Paul Schnier, W. S. R. Seyffert, J. M. Solursh, Solomon Spiro, T. A. Sweeney, R. B. Thomas, J. R. Wilson, Judith M. Woods, Alan Zener.

Group Instructors (Ottawa): C. A. Fournier, S. W. Goldstein, P. C. Labarge, Lloyd Raphael, G. J. Rip, Andrew Trotta.

Group Instructors (London): W. E. Beattie, P. W. Bowman, C.A., J. A. Giffen, J. M. Kierans, P. R. Noble.

Standby Instructors (Osgoode Hall): T. B. Akin, Jane Avery, Jack Bernstein, G. J. R. Dyer, Maxwell Gotlieb, S. C. Kerr, K. G. Russell.

Standby Instructors (Ottawa): John Bentley, David Gavsie.

Standby Instructors (London): Ross Batson, C.A., R. H. L. Innes, C.A., D. L. McLennan.

Approved

COMBINED LAW PROGRAMME AT McGILL UNIVERSITY

This item was before the Committee on Thursday, September 13th, 1979 and was allowed to stand to enable the director to analyse the proposal and report:

> 3. McGill University has submitted a proposal for the establishment of a combined M.B.A./Law Programme covering four years. Dean Brierley has advised that the proposal has been accepted by the Senate of McGill and that the programme is wholly consistent with the regulations of the McGill LL.B. programme authorized by the Society and that it contains no diminution in the residence or credit requirements for the McGill LL.B. nor in the compulsory course content thereof. McGill University seeks approval of the said combined M.B.A./Law Programme and asks that graduation therefrom with the LL.B. degree be in full of the academic qualification for admission to the Bar Admission Course. Dean Brierley's letter dated May 31st, 1979 and a copy of the proposal are before the Committee.

The Director's report was before the Committee.

Approved. The Committee recommended that appropriate amendments be made to the regulations respecting the approval of law courses under Regulation 26(5) and that this item be referred to the Legislation and Rules Committee.

BAR ADMISSION COURSE – FINANCING

At their meeting on June 25th, 1979, the Trustees of The Law Foundation of Ontario considered the Treasurer's letter dated June 22nd, 1979 requesting that the Trustees consider the making of a grant of $766,034 being the amount of the budgeted deficit for the Bar Admission Course for 1979/80. The Trustees approved a grant equal to the actual deficit which is incurred but not to exceed $700,000. The Trustees have advised that for the year ending June 30th, 1981 they are considering applying a formula for computing the amount of the grant on the basis of $600 per student registered in the teaching term plus a percentage increase in the same percentage as that used by the government in respect of its grant to the Bar Admission Course. The relevant correspondence between the Treasurer, the Chairman and the Secretary was before the Committee.

The Chairman will appoint a sub-Committee to study and report on Bar Admission Course Financing.

PREFERRED AREAS OF PRACTICE

The following report of the Sub-Committee on the Preferred Areas of Practice was before the Committee:

REPORT TO THE LEGAL EDUCATION COMMITTEE OF THE SUB–COMMITTEE REVIEWING THE ACCREDITATION OF PREFERRED AREAS OF PRACTICE AND PAYMENT OF REGISTRATION FEES BY YOUNGER MEMBERS OF THE PROFESSION FOR CONTINUING LEGAL EDUCATION PROGRAMMES

Your Sub-Committee composed of Messrs. Ferrier, Chairman, Carthy and Wardlaw met with the Director, and the Assistant Director, Continuing Education, at 4:30 p.m. on Monday, September 24th, 1979, and 8:30 a.m. on Wednesday, October 3rd, 1979, the following members being present: Messrs. Carthy and Wardlaw. The purpose of the meetings was to deal with the following matters in the Report of the Legal Education Committee adopted by Convocation September 21, 1979.

Accreditation of Preferred Areas of Practice (Item 12)

Your Sub-Committee was asked to report on a detailed plan for implementation of the accreditation of Preferred Areas of Practice.

Your Sub-Committee is of the view that the following statement of principle should be articulated at the outset:

> "That all duly qualified lawyers in Ontario irrespective whether or not they have designated any preferred area of practice, have equal accessibility to the presentation of all preferred area of practice programmes, the only proviso being that where space is limited for the presentation of a particular programme, preference will be given to those lawyers who have designated that preferred area of practice."

Your Sub-Committee recommends that in accordance with the Report to Convocation of the Special Committee on Competence dated November 17, 1978, Advisory Committees be established immediately and Chairmen appointed in the following preferred areas of practice:

- Criminal Law, Edward L. Greenspan, Esq.
- Real Estate and Landlord and Tenant, Miriam Kelly
- Estates, Wills and Trust, Malcolm Archibald, Q.C.
- Civil Litigation, Ronald Rolls, Q.C.
- Family Law and Divorce, Jim McDonald, Q.C.

The Ontario Branch of the Canadian Bar Association has been asked to name a person to serve on each of the Advisory Committees. The Director expects to receive a list of suggested names in the near future for approval by the Legal Education Committee.

Each Advisory Committee should determine whether or not there should be a "core" programme in its preferred area of practice.

Your Sub-Committee considered at length what should be the appropriate requirements for participation in each preferred area of practice and concluded that a system of credit units should be implemented wherein an individual practitioner must obtain a certain number of credit units in a specific time period. Accordingly your Sub-Committee recommends that a practitioner who has designated a preferred area of practice be required to obtain 30 credit units in that area during the first two years of its operation, and thereafter 15 credit units a year. A practitioner who has accumulated more than the minimum number of credit units in a particular time period should be able to carry forward one year the additional credits but otherwise the credits should not be cumulative. A practitioner who designates a preferred area after the first year of its implementation should be required to accumulate 15 credit units a year. The following components are recommended for credit unit purposes in each preferred area of practice:

- Each day of attendance at an approved programme: 5 units
- Each day of lecturing at an approved programme: 5 units
- Each hour of lecturing in the Bar Admission Course: 5 units
- Each hour that a practitioner lectures in a law school course: 5 units
- Each two hours as a seminar leader in the Bar Admission Course: 3 units
- Attendance at a Canadian Bar Association section meeting: 1 unit
- Certification by the practitioner that 30% of his or her time in the preceding five years has been spent practising in that preferred area: 5 units
- Acting as an editor of a publication which deals with a preferred area designated by the practitioner: 5 units
- 8 units for publication of a major article and 4 units for publication of a minor article in a recognized legal journal

  The Advisory Committee in each preferred area will assist in the determination as to whether an article is of major or minor significance for accreditation purposes in that area.

Your Sub-Committee was split as to the application of credit units where the particular endeavour involves 2 or more areas. One view was that the practitioner should elect which of the areas the credit units should be applied while the other view was that the practitioner should be able to apply the credit units to all areas in which the endeavour relates. Your Sub-Committee has therefore referred the matter to you for consideration.

Your Sub-Committee has considered appropriate geographical locations for the presentation of programmes for each of the preferred areas. The view of your Sub-Committee is that depending on the need for programming, Toronto, Ottawa, London, Windsor, Thunder Bay, Sault Ste. Marie, North Bay, and Kingston would be appropriate centres. As a matter of information to the Committee, your Sub-Committee has found that there are presently approximately 700 lawyers registered with the Law Society in one or more preferred areas while a survey of the Yellow Pages in the local telephone books indicates that about twice that number have designated at least one area.

Your Sub-Committee is of the opinion that the present preferred areas of practice list is not exhaustive or definitive. Consideration should be given to modifying some of the present combinations, such as dividing Real Estate and Landlord and Tenant, and expanding the list to include, for instance, entertainment law, development law, communications law, and environmental law.

Continuing Education Programmes – Registration Fees (Item 7)

Your Sub-Committee was asked to report on the advisability of reducing or waiving payment of registration fees for continuing legal education programmes by junior members of the Bar.

Your Sub-Committee recommends that the same fee be paid by all registrants of such programmes.

The Committee recommended that the report of the Sub-Committee be adopted subject to amendment by deleting, for the present, the specific schedule of point credits and in place thereof recommending a temporary requirement of three days per year attendance at an approved lecture programme, cumulative over a period of two years. The profession should be told that following January 1, 1982, the Law Society must be satisfied that the requirement has been met if a lawyer wishes to continue to hold himself out as having one or more preferred areas of practice. As well, the profession should be informed that the Committee will be examining the credit system in more detail with a view to making appropriate allowances for other forms of continuing education.

With respect to programmes that are approved in more than one area of practice it is recommended that the solicitor attending the lecture must elect which area of practice the credit is to apply to.

FACULTY OF LAW – UNIVERSITY OF MONCTON – SUBMISSIONS

The law school of the University of Moncton began its teaching programme in September, 1978 and has completed a first year course and commenced a second first year course and a first second year course in September, 1979. A submission has been made by the Faculty of Law of the University of Moncton to the Law Society. The submission and a letter of Dean Patenaude dated April 24th, 1979 together with letters from the Deans of each of the Canadian law schools which are approved by Convocation were before the Committee.

The Committee recommended that the law course established by the Faculty of Law of the University of Moncton as described in the submission dated January, 1979 received from that Faculty, be approved subject to the completion of the three year law school programme as outlined in the submission.

BAR ADMISSION COURSE – PROPOSAL FOR GRADUATE PLACEMENT SERVICE

The following item was before the Committee on Thursday, June 7th, 1979:

> "Mr. Ronald D. Manes has written to the Society proposing that the Law Society should undertake a programme to encourage the job placement of Bar Admission Course graduates in industry. Mr. Manes' letter dated May 2nd, 1979 is before the Committee".

At that time the Committee directed that the matter stand and requested the Director to inquire and report. Mr. Manes proposes that the Society should take positive steps to encourage placement of graduates on call to the bar in industry. He proposes that to this end the Society should engage the services of a professional career counselling and placement officer for a minimum of ten hours per week and should appoint an experienced member of the bar to aid and assist that officer in the work of recruiting and finding job placements for newly called lawyers in industry and obtaining their employment in such places. Mr. Manes has submitted nothing further in writing since his letter of May 2nd, 1979. This item appeared on the September agenda and was allowed to stand.

The Chairman will appoint a sub-Committee to study the question whether or not the Law Society should establish a graduate placement service and if so, in what form.

BAR ADMISSION COURSE – SCHOLARSHIPS AND PRIZES

The firm of Messrs. Osler, Hoskin & Harcourt offered a prize, to be called "The Stuart Thom Prize", in the Bar Admission Course in the sum of $500 annually, to be awarded to the student obtaining the highest aggregate marks in Corporate and Commercial Law, Income Tax and Law Office Accounting. It is proposed that the prize be financed by a capital donation of $5,000 to the Law Society Foundation with an additional cash sum of $500 to provide the prize to be awarded in the spring of 1980 in the Twenty-first Bar Admission Course.

Approved

FACULTY OF LAW – UNIVERSITY OF CALGARY

On the 20th April 1979 Convocation adopted the recommendation of the Legal Education Committee that the course leading to the degree of LL.B. at the Faculty of Law, University of Calgary, be approved for the purpose of having its graduates enter the Bar Admission Course in Ontario with the following rider:

> "the Law Society has a concern that Personal Property is not included in the curriculum as an area of law which all students are required to study and that the Law Society would like assurance that Personal Property is and will be included as a compulsory subject area in the law school course."

The Dean of the Faculty of Law, University of Calgary, has written to say that a Personal Property component is being added to the first year programme. The sessions on Personal Property will be given in addition to the existing Property course and will follow the traditional areas of Personal Property and be compulsory for all students. A letter from the Dean to the Secretary was before the Committee.

Noted

BAR ADMISSION COURSE – WORD PROCESSING EQUIPMENT

Equipment consisting of three magnetic card typewriters and a document printer is being rented from IBM at a monthly cost of $1,677.72. This cost could be reduced to $1,476.50 per month if a 30-month instalment ownership agreement were to be signed. Since the Society intends to retain this equipment, advantage should be taken of the savings through signing this agreement. An alternative proposal is to purchase the equipment outright, at a cost, including sales tax, of $31,597.35.

A comparison of costs over a three year period is as follows:

Present rental	$60,397.92
Proposed instalment plan	49,102.12
Proposed outright purchase	42,037.35

An interest factor has not been included in these calculations, but if included would still leave outright purchase as the preferred plan. The current year's budget makes provision for continuing on the rental of $20,132.64 per annum.

The Committee recommended that this matter be referred to the Finance Committee.

PETITIONS

The Committee considered six petitions. Five were of a routine nature and were approved by the Committee.

The sixth petition had been before the Committee in January 1979, at which time the Committee recommended that it be approved and Convocation subsequently adopted that recommendation. The petitioner, a member of the Quebec Bar, had engaged in the practice of law in Montreal for 18 months following his Call to the Bar and then accepted a position in Ottawa as junior counsel assisting senior counsel of the McDonald Commission. In his petition he outlined the nature of his work with the Commission and requested that service under articles to counsel for 12 consecutive months be accepted as fulfilling the articling requirement of the Bar Admission Course. In September 1979 the petitioner filed the requisite certificate of service under articles and affidavit of service under articles;

attached to each document was a statement that the petitioner, a student-at-law in Ontario, was at all material time during the period of his articles of clerkship, a member in good standing of the Bar of Quebec and had spent some time working at his practice of law in Quebec. The Director required the petitioner to furnish particulars of his practice of law in Quebec during his articling period in Ontario. The petitioner's letter setting out such particulars was before the Committee. It was recommended that the petitioner's service under articles be accepted.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the period from 1st July, 1978 to 30th June, 1979; and reviewed a summary of the Continuing Education programmes presented in September, 1979 and the Continuing Education publications report for the month of September, 1979.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON OFFICE OF THE TREASURER

Mr. J. A. Brulé presented the Report of the Special Committee on Office of the Treasurer of its meeting on Thursday, 11th October, 1979.

Convocation in September, 1978, passed a motion that the Treasurer appoint a Special Committee to investigate and report upon all aspects of the Office of the Treasurer, the report to be made no later than October, 1979.

In October, 1978, the Treasurer announced the composition of the Special Committee as follows: Mr. J. J. Robinette (Chairman) and Messrs. Bowlby, Brulé, Bynoe, Carnwath, W. G. Gray, Ogilvie, Orkin and Thom.

In May, 1979, a motion was carried in Convocation respecting the election of Treasurer that the question of the mailing of ballots to all Benchers be referred to the Special Committee on the Office of Treasurer (Mr. Robinette's Committee) for consideration.

The Committee met on Thursday, October 11th, 1979, the following members being present: Mr. Robinette (in the Chair) with Messrs. Bowlby, Brulé, Bynoe, Carnwath, W. G. Gray, Ogilvie and Thom.

The Committee was familiar with the report of an earlier Special Committee on the election and remuneration of the Treasurer which reported in 1972.

The main question to be decided is whether the Treasurer should be a full-time post and whether the Treasurer should be paid at approximately the rate of a Supreme Court Judge. The Committee decided to deal first with these central matters and to deal at a later time with collateral issues.

After considerable discussion, the Committee reached a consensus that the post of Treasurer should not be full time to the exclusion of engaging in practice. Recent Treasurers on the average have devoted between 50% and 60% of their time to the work of the Society. They have been recompensed for their out-of-pocket expenses and some have charged the Society a portion of the salary of a secretary. It was apparent, however, that a Treasurer cannot maintain his practice at its normal level and this is more of a hardship for those in small firms. It was generally felt that if a Treasurer practised outside Toronto it would be necessary for him to move to accommodation provided in Toronto. The views of the Committee were by no means uniform on these matters but it was generally conceded that it would be difficult to persuade a Bencher to serve as a full-time paid Treasurer if that entailed giving up all practice. It was recognized that the work of the Society is steadily increasing and that it is desirable that the Treasurer as the spokesman of the profession be able to continue and even increase his contacts both within and outside the profession.

The Committee was reporting at this time on an interim basis because there are still a number of matters which require further discussion, namely, whether the Treasurer should be compensated and if so, on what scale; what the relationship should be between the Treasurer and the Chairmen of the various Committees and with the Secretariat; and also, the wider question of the manner in which the executive functions of the Society are discharged. This latter question does not fall strictly within this Committee's terms of reference so Convocation's direction is sought whether the terms of reference should be enlarged to include it. The Committee intends to present a final report containing firm recommendations to a later Convocation.

THE REPORT WAS ADOPTED

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FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 11th October, 1979.

The following members were present: Messrs. Scace (Vice-Chairman), Chilcott, Farquharson, Gray, Ogilvie and Shaffer.

ROLLS AND RECORDS

Deaths

The following members have died:

Thomas Byron Holmes, Toronto (Life Member)	Called – 21 October 1920 Died – 20 August 1979
Eileen Yates, Q.C. Hamilton	Called – 12 April 1957 Died – 7 September 1979
Dino Joseph Tessaro, Hamilton	Called – 21 March 1969 Died – 19 September 1979

Disbarment

The following former member has been disbarred and struck off the rolls, and his name has been removed from the rolls and records of the Society:

Sidney Vann Cwinn Ottawa	Called – 17 January 1952 Disbarred – Convocation 12 September 1979

Noted

LIFE MEMBERS

Pursuant to Rule 49, the following were eligible to become Life Members of the Society effective 17 October 1979:

James Clifford Adams, Q.C.	Toronto
John Girdlestone Hungerford, Q.C.	Toronto
Robert Hampden Logan	Sarnia
Joseph Rabinovitch	Richmond Hill
Jean Thomas Richard, Q.C.	Ottawa
Charles Moore Ricketts, Q.C.	Toronto
Joseph Rosenfeld, Q.C.	Toronto
David Sher, Q.C.	West Palm Beach, Florida
Ross Croft Taylor	Toronto

Noted

MEMBERSHIP UNDER RULE 50 – RETIRED MEMBERS

The following members who are sixty-five years of age or over and who are fully retired from the practice of law and other employment, requested permission to continue their memberships in the Society without payment of annual fee:

Ian Strachan Johnston, Q.C.	Toronto
William Samuel Rosen, Q.C.	Toronto
Kenneth Chown Woodsworth	Vancouver

Approved

CHANGE OF NAME

The following *student member* has requested that his name be changed on the rolls of the Society and has submitted the required documentation in support:

From	*To*
Richard Edward Dzienis	Richard Edward *Jennis* (Court Order)

Approved

MINUTES OF CONVOCATION

Prior to the regular September Convocation, the Treasurer instructed the Secretary to forward to the Benchers copies of the draft outline of the Minutes which were to be read and confirmed at that Convocation with a memorandum requesting them to read over the draft and report any errors or omissions at Convocation. This was done. Subsequently, at the regular September Convocation, the reading of the Minutes by the Secretary was waived and the Minutes were confirmed.

If this method of presenting the Minutes of Convocation for confirmation is adopted, it will be necessary to amend Rule 21(3) which reads as follows:

> " (3) At each regular Convocation the minutes of the last previous regular Convocation and of any intervening special Convocation shall be read, and after being approved shall be signed by the Treasurer or other person who presided at the Convocation to which the minutes relate."

so that the said subsection will read as follows:

> (3) At each regular Convocation the minutes of the last previous regular Convocation and of any intervening special Convocation shall be confirmed, and after being confirmed shall be signed by the Treasurer or other person who presided at the Convocation to which the minutes relate.

Approved

AUDITORS' ACCOUNT

The Society's Auditors, Clarkson, Gordon & Company, have now submitted their final account for their work in connection with the financial statements for the year ended 30 June 1979. Their total fee is $11,950, an increase of $550 from last year. The Committee has already approved a payment on account of $7,500, leaving a balance to be paid of $4,450.

Approved

COUNSEL'S ACCOUNT

Mr. Thomas J. Lockwood submitted his account for services to the Society during the period 2 January to 12 September 1979 in connection with *Robert J. Stoangi.* The account totals $3,643.88.

Approved

LAW SOCIETY GAZETTE

The Editor of the Law Society Gazette, Mr. John Honsberger, submitted his account for his editorial fee. The account has been paid.

The Editor's fee is $1,000 for each quarterly edition and has remained unchanged since the Gazette was first published. The Committee was asked to consider an increase in the fee.

The Committee recommended that Mr. Honsberger be paid $7,500 for the Society's financial year.

COMPUTER

At its last meeting, the Committee approved the addition of a 60 million character disc drive in substitution for a 10 million character unit. The additional on line storage capacity was urgently needed to cope with several pressing demands, most notably data stored for statistics required for errors and omissions insurance.

The new disc drive has been installed and is the first part of a plan to enhance computer capacity. The enhancements, if approved, will be added in stages through the year. Because the changes form part of a hardware package, the supplier has offered to increase the discount from 10% to 26% provided a new five year lease is signed.

The complete change involves in addition to the disc drive already installed, a faster printer, an improved type of terminal and enlarged central processing store. The following summarizes monthly cost changes:

	Rental	*Maintenance*
	$	$
Disc drive change (60 million characters for 10 million characters)	92.70	26.00
Printer change (600 l.p.m. for 150 l.p.m.)	174.60	62.00
Terminal changes (3 VTUs for 3DDEs)	144.90	77.00
Central processing store (28K more words)	414.00	50.00
	826.20	215.00
Less: Increased discount on retained equipment	337.30	
	488.90	
Sales Tax	34.22	
Maintenance	215.00	
Total monthly increase	$738.12	

Present monthly rental and maintenance is $3,961.45 per month; proposed is $4,699.57 per month. Provision was made for these changes in the budget.

The change in the type of terminal used for enquiries will involve software changes, with some increase likely in the monthly cost ($310.00 at present) under a programme products licence. Delivery of the new terminals is expected in February or March 1980 and before then, the exact software requirements will be resolved. A request to approve a new programme products licence will be made then.

Approved

WORD PROCESSING

Minutes of Convocation

The equipment used for producing Minutes of Convocation (including the abridged minutes) is obsolete. Until recently, no other equipment was on the market which would produce work of an acceptable quality. IBM has recently introduced a new composer, using magnetic cards, which meets our quality requirements.

The composer can be purchased at a cost of $17,035.00 (plus Provincial sales tax $1,192.45). Annual maintenance is $1,131.00. Alternatively, the machine can be rented at an annual cost of $7,380 (plus sales tax $516.60).

At the same time, a magnetic card typewriter now being rented, at a cost of $3,840 per annum (plus sales tax $268.80) for use in the Department of Continuing Education, will become surplus when new equipment is installed there and could be transferred for use in the production of minutes.

It was recommended that both pieces of equipment be rented. Delivery of the new equipment would not be earlier than 1st January 1980. Cost in 1979-80 will be $6,000.00, to be covered by the budget item of $45,000. 50% of rentals paid can be used as a credit against a subsequent purchase.

Approved

LEGAL EDUCATION COMMITTEE

The following item which appeared on the agenda of the Legal Education Committee at its meeting on this date was referred to the Finance Committee:

> Bar Admission Course – Word Processing Equipment
>
> Equipment consisting of three magnetic card typewriters and a document printer is being rented from IBM at a monthly cost of $1,677.72. This cost could be reduced to $1,476.50 per month if a 30-month instalment ownership agreement were to be signed.
>
> Since the Society intends to retain this equipment, advantage should be taken of the savings through signing this agreement. An alternative proposal is to purchase the equipment outright, at a cost, including sales tax of $31,597.35.
>
> A comparison of costs over a three year period is as follows:

Present rental	$60,397.92
Proposed instalment plan	49,102.12
Proposed outright purchase	42,037.35

> An interest factor has not been included in these calculations, but if included would still leave outright purchase as the preferred plan. The current year's budget makes provision for continuing on the rental of $20,132.64 per annum.

The Committee recommended the equipment be purchased.

LIBRARIES AND REPORTING COMMITTEE

The following item appeared on the agenda of the Libraries and Reporting Committee at its meeting on this date:

> Lawyer Referral Service – Ottawa
>
> Before the Lawyer Referral Service was established on a province-wide basis, local services were established in Ottawa and London. Local services were operated by the County Law Associations, with the costs being reimbursed to them by the Society. The London service was discontinued last year. The Ottawa service has been allowed to continue at the request of Carleton County Law Association, even though service could be provided from Toronto in the same way that it is provided for the rest of the province.

Current costs are $9,000 per annum.

The Libraries and Reporting Committee recommended that the local service in Ottawa be discontinued.

Noted

BENCHERS' DISBURSEMENTS

Mr. M. Hinzel asked that an increase be considered in the prices he charges for lunches on meeting days and Convocation days. Present prices are as follows:

Meeting Day –	30-45 persons	$550.00
	Sales Tax	55.00
	Gratuities	25.00
	Flowers	25.00
		$655.00
Convocation Day –	40-54 persons	$650.00
	Sales Tax	65.00
	Gratuities	35.00
	Flowers	50.00
		$800.00

The requested increase is $100 in each case. With sales tax and other items, the total for meeting day would be $765 and for Convocation day $910.

The Committee was asked to authorize the increases.

Approved

CAFETERIA SUBSIDY

For several years a subsidy has been paid to Mr. Hinzel because of losses sustained on examination days. This arises because of a decrease in sales on these days, coupled with the need to pay a full day's pay to all cafeteria employees.

In 1978/79 there were 16 examination and study days on which sales averaged $205.12 per day, compared to $632.55 on teaching days. It is estimated that the loss sustained is 50% of the sales drop. The subsidy is therefore calculated as:

16 x 50% ($632.55 – $205.12) = $3,419.44

Last year the subsidy was $3,311.04.

The Committee was asked to approve this payment.

Approved

THE REPORT WAS ADOPTED

. . . .

MOTION: AMENDMENT OF RULE 21(3) MADE UNDER THE LAW SOCIETY ACT

It was moved, seconded and *carried* that Rule 21(3) be amended to read as follows:

> (3) At each regular Convocation the minutes of the last previous regular Convocation and of any intervening special Convocation shall be confirmed, and after being confirmed shall be signed by the Treasurer or other person who presided at the Convocation to which the minutes relate.

……

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. P. B. C. Pepper, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 11th October, 1979.

The following members were present: Messrs. Cass (Acting Chairman), Barr, Ferrier and Willoughby.

APPLICATIONS

The Committee considered two applications for grants. Both applicants had previously received grants from the fund. One application was accompanied by details of the applicant's monthly income and expenditure. The Committee recommended that a grant be made to this applicant. With respect to the other applicant, the Committee recommended that no further grant be made at this time.

THE REPORT WAS ADOPTED

……

LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 10th October, 1979.

The following members were present: Lee K. Ferrier, Q.C., Vice-Chairman in the Chair, Messrs. Barnes, Barr, Carter, Chadwick, Ellis, Mrs. Fleming, Mr. Genest, Mrs. Jarmain, Messrs. Linden, Michon, Nixon, Ogilvie, Ruby, Mrs. Smyth, Mr. Wallace.

The following observer members were also present: Robert P. Armstrong, Q.C., Toronto, the Advocates' Society; Mr. Dominic Alfieri, the Ministry of Community and Social Services; M. S. Fitzpatrick, Q.C., and Brian P. Bellmore, solicitor, the Clinic Funding Committee; Ronald G. Thomas, Q.C., the Criminal Lawyers Association.

REPORT OF THE DEPUTY DIRECTOR

(a) Finance

The Director's report, pursuant to Section 95(2), for the five month period ended August 31, 1979, shows that payments from the Legal Aid Fund were less than budget by $950,000. Of this total $150,000 represents under-expenditure of designated Community Clinic funds. The remaining $800,000 is accounted for as follows:

Under budget	$	$
Criminal certificate accounts	762,000	
Civil certificate accounts	113,000	
Salaried Duty Counsel project	7,000	
Student Legal Aid Societies	23,000	
Provincial Office costs	48,000	953,000
Over budget		
Duty Counsel payments	99,000	
Area Office costs	8,000	107,000
		846,000
Less: Expenditures with no budget		
Research Facility	37,000	
Special Projects	9,000	46,000
		800,000

Income from sources other than the Province of Ontario was under budget by $220,000 as follows:

Under budget	$	$
Law Foundation	125,000	
Client contributions	16,000	
Costs recovered	87,000	228,000
Over budget		
Miscellaneous income		8,000
		220,000

As at August 31, 1979, there was a negative balance in the Fund of $28,000.

(b) Statistics

The following table compares reported activity for the first five months of this fiscal year with the activity for the same period in the previous fiscal year:

	5 months ended		*% Change*
	Aug. 31, 1979	*Aug. 31, 1978*	*from last year*
Summary Legal Advice	20,062)		
	)	48,482	− 6.1
Referrals to other agencies	25,481)		
Applications for certificates	48,490	46,959	+ 3.3
Refusals	15,611	15,012	+ 4.0
As a percentage of applications	32.2	32.0	
Certificates issued	34,233	34,249	
Persons assisted by Duty Counsel:			
Fee for service	65,114	59,366	
Salaried Duty Counsel	21,341	13,984	
Total	86,455	73,350	+ 17.9

REPORT OF THE LEGAL ACCOUNTS OFFICER

Activity

	1979/80 Fiscal Year		*1978/79 Fiscal Year*	
	Month of Sept. 1979	*6 Months to Sept. 1979*	*Month of Sept. 1978*	*6 Months to Sept. 1978*
Accounts on hand at beginning	9743	7273	5211	6016
Accounts received	4835	32433	4342	31382

	1979/80 Fiscal Year		*1978/79 Fiscal Year*	
	Month of Sept. 1979	*6 Months to Sept. 1979*	*Month of Sept. 1978*	*6 Months to Sept. 1978*
Total Accounts to be processed	14578	39706	9553	37398
Less: Files cancelled	20	172	30	207
Accounts Processed	3410	28386	5094	32762
Balance	11148	11148	4429	4429
In addition to the number of accounts for services completed there were:				
Interim Accounts	176	1384	238	1437
Supplementary Accounts	136	1515	171	1411
Total	312	2899	409	2848

The Legal Accounts Officer reported that the increased backlog is temporary. Five additional Accounts Examiners have been hired and the backlog is due in part to taking time to train examiners and also in training present staff to use the new tariff. The backlog should be reduced by Christmas and eliminated by next spring.

LIMITATION OF CRIMINAL CERTIFICATES

In December, 1978, the Legal Aid Committee appointed a sub-committee under the chairmanship of Robert E. Barnes, Q.C., to review the policy approved by Convocation in September, 1978, that only 90 certificates be granted to a lawyer on a criminal Legal Aid panel for a fiscal year and that this number not be exceeded unless the lawyer applying establishes that the number of lawyers practising criminal law in his local area is such that an increase is warranted.

The Legal Aid Committee had before it correspondence from the profession which stated that the ruling was unfair. In September, 1979, Mr. Barnes outlined the content of his proposed report at which time the committee members expressed their views. The Committee requested Mr. Barnes to let them have his final report well in advance of the October Committee meeting so that they could, in fact, thoroughly discuss the report at the meeting.

After an indepth review, the Committee approved the report's recommendation "that any arbitrary limitation of the number of criminal Legal Aid certificates accepted by members of criminal Legal Aid panels be revoked and that no recommendation be made for legislative or regulatory sanction of such limitation."

However, in adopting this recommendation, the Legal Aid Committee expressed its intention to continue to closely supervise the quality of service rendered by the profession under the Plan and particularly to ensure that the number of certificates accepted by any lawyer does not adversely affect the quality of his service.

The Committee further recommended that the monitoring of the profession's service be referred to the Steering Committee, a standing committee of the Legal Aid Committee, for a report on how the monitoring is to be implemented.

Mr. Barnes' report was before Convocation.

STUDENT LEGAL AID SOCIETIES' BUDGET – 1979-1980

In May, the Legal Aid Committee referred to its Steering Committee a request from the Student Legal Aid Societies that their approved budget of $200,000 for the fiscal year 1979-80, be increased.

At the September meeting of the Steering Committee, Mr. Brad Nixon, Osgoode Hall Law School, York University, and Miss Madalyn Nairn, Director, Ottawa Student Legal Aid Society, appeared before the said committee. Material to support the request for an increased budget was distributed. This material included detailed information on the number of cases handled, enquiries handled, the nature of cases undertaken, a graph of the number of case files closed annually and the average cost per file. The material indicated that the student case load had increased substantially with a reduced cost to the Legal Aid Plan. It was pointed out that the Student Societies had received only an 11% increase over the previous year's budget, whereas the workload had increased 35%.

The Legal Aid Committee approved the Steering Committee's recommendation that the Student Legal Aid Societies' budget for 1979-80 be increased by $23,000.

JOINT COMMITTEE

Criminal Legal Aid Panel – York County

Convocation approved a points system designed to facilitate the selection of a lawyer by an accused from the criminal Legal Aid panel in York County. An applicant for Legal Aid will now have the assurance that all solicitors whose names appear on the panel have designated criminal law as a preferred area of practice. Only those solicitors attaining at least 10 points will appear on the panel.

There will be a second panel. It will list all the names shown on the first panel as well as the names of those solicitors attaining 100 points. These solicitors will be identified by an asterisk after their names. The asterisk will indicate that they are "experienced criminal counsel", and qualified to represent an accused charged with an indictable offence, for which the maximum penalty is ten years or more, save and except the offences of theft, possession of goods obtained by crime, breaking and entering and trafficking in narcotics.

The second panel will be shown only to applicants charged with indictable offences as described above. However, the accused has the right to select the lawyer of his choice whether there is an asterisk at the name or not.

The new panel classification system will be in operation on Monday, November 5, 1979.

SALARIED DUTY COUNSEL – YORK COUNTY

(a) Hiring of an additional salaried Duty Counsel

The Legal Aid Committee approved the recommendation of the Standing Committee appointed to monitor the salaried Duty Counsel project in York County, to hire one further salaried Duty Counsel, bringing the total number of salaried Duty Counsel to 17, including the Director and his assistant. The hiring of this extra Duty Counsel was necessitated by the opening of the College Park courts on September 4. These courts are courts of "the first instance" and one court in particular has become as busy as Courtroom 23 at the Old City Hall where many bail hearings are heard each day.

(b) Bill C-42

Bill C-42, which will come into effect December 31, 1979, will create a section of the Criminal Code entitled "Language of Accused". In essence, it provides for an accused charged under the code to have the right to have a trial before a bilingual judge and bilingual jurors in trials with a jury anywhere in Ontario. It will also permit the courts to transfer cases to an area where bilingual jurors are available.

The accused must apply at the time his trial date is set when the provincial court judge has jurisdiction either absolute or by election, or at the time of his committal for trial if the accused elects a trial by judge alone or judge and jury or if it is a s.427 offence.

Section 462 1(3) of Bill C-42 reads as follows:

> "The justice of the peace or magistrate before whom an accused first appears shall, *if the accused is not represented by counsel,* advise the accused of his right to apply for an order under Sub-section (1) or (2) and of the time before which such an application must be made."

The Director referred to the Standing Committee appointed to monitor the salaried Duty Counsel project in York County correspondence from the Ministry of the Attorney General which posed the question as to whether for purposes of Section 462 1(3) every person in a court *where there is a Duty Counsel can be said to be represented by counsel.* In short, can the presence of Duty Counsel lead to dispensing with this notice?

The Legal Aid Committee concurred with the recommendation of the said Standing Committee: Duty Counsel represents an accused only for a limited purpose, i.e. requesting adjournments, speaking for bail, etc. His functions are defined by the Legal Aid Regulation. He cannot, therefore, be considered as being counsel for the accused within the definition of Section 462 1(3).

The Legal Aid Committee requested the Director to advise the Ministry of the Attorney General that the presence of Duty Counsel will not relieve the court from advising an accused of his rights under Bill C-42.

LEGAL ACCOUNTS –
JUDGES' COMPLAINTS

The Special Standing Committee on Legal Accounts at its October meeting considered how the Director and the Legal Accounts Officer should handle a judge's complaint concerning a solicitor's conduct when he is representing a Legal Aid client.

It was noted that the Legal Aid Act confers a quasi-judicial function to the Legal Accounts Officer. The Legal Accounts Officer has the discretion as to whether an account should or should not be paid. Therefore, the Legal Accounts Officer has an obligation to assess all relevant information, including a judge's complaint.

The Legal Aid Committee recommended that a special committee be appointed to consider all complaints from judges concerning a solicitor's conduct while representing a legally-aided client. It was noted that such a committee would not only report to the Legal Aid Committee but might also assist the Legal Accounts Officer in determining the payment of an account.

The Director was requested to invite a judge to complain to the Discipline Committee of the Law Society if the judge considered a solicitor's conduct to amount to professional misconduct.

The Director was further requested to send a directive to all Area Directors requesting them to refer any complaints from a judge to him. However, an Area Director must not provide a judge with information from a file, nor must he express an opinion to the judge on what fee a solicitor should be paid.

It was moved in Convocation, seconded and *lost* that this item be sent back to the Committee for further consideration.

PUBLIC INFORMATION

(a) News Letter

The Legal Aid Committee approved a recommendation from the Public Information Committee that a one page synopsis of current Legal Aid news items be enclosed with the Legal Aid News Letter, when warranted, for a 6 month period.

(b) Distribution of Legal Aid pamphlets

In January 1979, Convocation approved the distribution of specially designed display racks to selected, high volume Legal Aid offices and clinics. The response was excellent. The Public Information Officer recommended that the displays also be made available to government departments and private law firms.

The Legal Aid Committee approved this recommendation with the request that the Information Officer prepare an announcement to be sent out along with the Legal Aid News Letter, outlining the cost of the display racks and the availability of legal pamphlets for these racks.

AREA COMMITTEES

Section 4(1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended the following be appointed members of the Area Committee in:

York County

Earl Glasner, solicitor, Toronto
William Gorewich, solicitor, Toronto
John Liss, solicitor, Toronto
David McCombs, solicitor, Toronto
Barry Swadron, solicitor, Toronto
Paul Tomlinson, solicitor, Toronto
George Biggar, solicitor, Toronto
Michael Caroline, solicitor, Toronto
Victor Paisley, solicitor, Toronto

THE REPORT WAS ADOPTED

....

DISCIPLINE COMMITTEE (Continued)

GENERAL

Mr. B. C. Bynoe, Vice-Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 11th October, 1979.

The following members were present: Messrs. Carnwath (Chairman), Ogilvie (Vice-Chairman) Barr, Cass, Furlong, Ruby, Willoughby and Mrs. Sutherland.

ESTIMATION AS TO FUTURE CLAIMS AGAINST THE COMPENSATION FUND

In its September 1979 Report the Committee advised that it had received Mr. Harry Stinton's report and that it would be considered at this meeting. The report was adopted by the Committee as the best evidence possible for projecting payments out of the Compensation Fund. The Secretary was instructed to ask Mr. Stinton to hold himself in readiness to update his report as the time approaches for the setting of next year's Compensation Fund levy. Mr. Stinton's report was before Convocation.

COMPENSATION FUND

The Committee had before it a letter from one of the members of Convocation, Mr. Samuel Lerner, making some suggestions dealing with the publicizing of the Compensation Fund, its procedures and discretionary limits. The Committee instructed that it be referred to the Public Relations Committee.

PRACTICE ADVISORY SERVICE

At the beginning of this year the Committee considered the Report of its Sub-Committee on Trusteeships. Included in that Report, which was adopted by the Committee, was the recommendation that a practice advisory service be established. At its October meeting the Committee had before it a matter upon which no disciplinary action was required, it being rather one of sloppy practice. Since at the present time there is no procedure for dealing with this type of matter, the Committee asked, through Convocation, that the Society expedite the hiring of a practice advisory director.

THE REPORT WAS ADOPTED

....

COMPENSATION FUND SUMMARY

Mr. Noel Ogilvie, Vice-Chairman, presented the Compensation Fund Summary for the period ended 30th September, 1979.

COMPENSATION FUND

For the Period 1st July, 1979 to 30th September, 1979

(3 months)

TOTAL RECEIPTS	$ 31,203.52
TOTAL DISBURSEMENTS	$ 325,750.09
EXCESS OF DISBURSEMENTS OVER RECEIPTS	($ 294,546.57)
BALANCE OF FUND at beginning of period	$1,558,782.05
BALANCE OF FUND at end of period	$1,264,235.48
CLAIMS RECEIVED and in the course of being processed at end of period	$4,759,972.29

THE SUMMARY WAS RECEIVED

. . . .

ADMISSIONS COMMITTEE (Continued)

Mr. J. J. Carthy presented the Report of the Admissions Committee of its meeting on Tuesday, 18th September, 1979, with respect to an application for admission to the Bar Admission Course.

The Committee was composed of Mrs. Legge (Chairman), Mr. Catzman, Mr. Scace, Mr. Ferrier, Mr. Ground, Mrs. Sutherland and Mr. Carthy. The applicant was represented by Mr. Ian Scott, Q.C. and the Law Society was represented by Mr. Lorne Morphy, Q.C.

The applicant, in his application for admission to student membership in the Society, disclosed that on 3rd November, 1977, he had been convicted of keeping a common bawdy house, contrary to Section 193 of the Criminal Code and had been given a conditional discharge and placed on probation for one year.

The application, a personal resumé, a transcript of the proceedings before His Honour Judge B.P. Ryan, and a letter from the applicant's principal, together with the applicant's letter to the Registrar of the Bar Admission Course, were filed as exhibits.

The applicant testified that he had been instrumental in organizing the steambath premises, intended for use by homosexual men, that were the subject of the criminal charge. He stated that once the premises had begun to be used, he visited them only to attend to financial aspects of the business. He was an officer of the corporation that operated the baths at the time of the police raid. The applicant testified that shortly after the raid, he had resigned his positions in all steambath operations with which he had become involved.

It was after quitting the steambath operations that the applicant attended the University of Toronto Law School. He is presently serving under articles in Toronto.

Letters of recommendation from two of the applicant's law professors, a former employer, two persons holding political office and a Toronto clergyman were filed as exhibits. All of these letters spoke highly of the applicant and of his integrity and honesty.

The Committee was impressed by the frank and forthright manner in which the applicant gave his evidence and brought this matter to the Society's attention. The Committee took into account the nature of the offence, the relatively minor penalty imposed, and the fact that the applicant was not active in the day to day operations of the steambaths at the time of the offence. The letters of recommendation indicated clearly that the applicant is rehabilitated. Therefore, it was the Committee's view that the applicant had established his good character and the Committee recommended that his application to be admitted as a student member in this Society be granted.

THE REPORT WAS ADOPTED

....

SPECIAL COMMITTEE ON POLARIS

Stand to the next Convocation.

....

PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 11th October, 1979.

The following members were present: Messrs. Ground (Chairman), Genest (Vice-Chairman), Yachetti (Vice-Chairman), Carnwath, Lamont, McWilliams, Outerbridge, Strauss, Wardlaw and Mrs. Sutherland.

1. PREFERRED AREAS OF PRACTICE

The Committee had before it a copy of a notice placed by a member of the profession in the Ontario Reports which stated that his practice was restricted to "Environmental & Energy Law". Below this is set out a list of eleven areas that this member considers to be part of environmental and energy law. The Committee also had before it a copy of a letter written by another lawyer, on behalf of the first, requesting that there be an expansion of the preferred areas to include environmental and energy law. In addition there was a letter from a member expressing the view that "Business Law and Debtors' and Creditors' Rights" was not an appropriate combination. Several members of the Committee questioned the combination of "Real Estate and Landlord and Tenant".

The Committee therefore recommended that either the Special Committee on Competence or a new Special Committee of Convocation formed for this purpose, review forthwith the preferred areas of practice as presently established to determine whether there should be any amendments or additions.

2. A member wrote to the Committee on behalf of an organization known as the Christian Legal Fellowship. This organization was "incorporated for the purposes of encouraging and facilitating among Christians in the vocation of law the inte-

gration of a biblical faith with their professional calling". The member goes on to say:

> "The Service Committee of the Fellowship has been involved in establishing projects which will serve the larger community. The Committee has been made aware that there are many Churches and Christian organizations which wish to have made available to them the names of Christian lawyers competent in various areas of the law. To this end, the Christian Legal Fellowship wishes to establish a referral service which would make available to its users the names of several lawyers whose preferred areas of practice include the area requested by the user of the service. What is contemplated is a central office from which referrals would be made throughout the Province.
>
> It is our intention, subject to the approval of the Law Society, to make known the availability of the proposed referral service to Christian churches and interested Christian organizations throughout the Province.
>
> Lawyers whose names will be referred through the service will be members of the Christian Legal Fellowship, the purposes of which are set out in a brochure attached herewith."

Prior to commencing this project the member wrote to obtain the Society's approval.

The Committee was of the opinion that the proposal is not acceptable since it has nothing to do with the delivery of legal services to an area not presently being served.

3. The Committee had before it a letter from one of its members, Mr. James Wardlaw, expressing his concern about situations in which lawyers become parties to their clients' crimes as a result of completing real estate transactions wherein partial refunds of purchase prices are allowed to the clients on some minor pretext at the time of closing. In such situations a lending institution having approved a loan on the basis that a certain amount was being paid by way of a down payment would unknowingly end up advancing its funds when there has been considerably less put into the transaction by the purchaser.

When discussing this matter reference was made to a recent Discipline Decision which dealt in part with a situation similar to that described here. The Committee regards it to be unprofessional conduct for a lawyer to become involved in such situations. There is concern that some members of the profession might unwittingly become so involved. Therefore it was recommended that an article be written by a member of the Committee for publication in the Gazette on this subject.

4. Various other matters were considered with appropriate instructions being issued in each instance.

THE REPORT WAS RECEIVED

. . . .

UNAUTHORIZED PRACTICE COMMITTEE–Mr. Tobias

Mr. P. K. E. McWilliams presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 11th October, 1979.

The following members were present: Messrs. Tobias (Chairman), Chilcott, Furlong, McWilliams, Shaffer, Strauss and White.

1. Several accounts of counsel and of an investigator were approved.

2. The Secretary had received a letter from counsel for the Law Society investigating a divorce agency in Ottawa that he has been unable to find out the number of petitions being issued by the said agency. The Vice-Chairman agreed to speak to counsel about obtaining further evidence.

3. Counsel for the Law Society, after considering the investigators' report concerning a divorce agency in Toronto, submitted his opinion that there was insufficient evidence to prove a breach of Section 50(1) of The Law Society Act. The Secretary was instructed to refer this matter to the investigator to interview customers of the said agency.

4. The Secretary received a complaint that an individual was holding himself out as an agent in Provincial Court (Criminal Division) in Windsor. The individual was also holding himself out as a solicitor contrary to Section 50(1) of The Law Society Act. The Secretary was instructed to refer this matter to counsel for an investigation.

5. A complaint was received that an individual was acting

as a solicitor in matrimonial matters. The Secretary was instructed to refer this matter to an investigator to obtain further evidence.

6. A complaint was received that an individual was carrying on a divorce agency and acting as a solicitor contrary to Section 50(1) of The Law Society Act. The Secretary was instructed to refer this matter to an investigator to interview the complainant.

7. The Secretary reported receipt of a complaint that Michigan attorneys were practising law in Ontario. The Secretary was instructed to refer this matter to counsel for an investigation.

8. The Secretary received a complaint that an individual was acting as a solicitor in Toronto. The Secretary was instructed to refer this matter to an investigator if the document showed that the alleged offence was within the six months limitation period.

THE REPORT WAS ADOPTED

....

Mr. McWilliams presented the Report of the Unauthorized Committee of its meeting on Friday, 12th October, 1979.

The following members were present: Messrs. Tobias (Chairman), Chilcott and Furlong.

Also present were Messrs. D. R. Meadows, L. G. Phillips and R. E. Zelinski, representing the Kenora Law Association, Rainy River Law Association and Thunder Bay Law Association respectively.

1. The Secretary reported that he had received a letter from a solicitor complaining about Manitoba solicitors acting on real estate transactions, commercial transactions, estates and litigation. The Committee recommended that the Secretary of the Society write to the Secretary of the Law Society of Manitoba indicating the background of the problem and asking that the Manitoba Law Society communicate with its members to point out that this Society is receiving a mounting number of complaints that Manitoba solicitors are practising law in Ontario without authority and that this Society intends to take steps against this unauthorized practice if it persists. The Committee

also recommended that the Admissions Committee should issue a standardized Occasional Appearance Certificate naming the matter to which authority extends and, before approving any Occasional Appearance Certificate for a solicitor from outside of Ontario, contact the local bar association for its comments if there is any suggestion that there is not a competent counsel to act for the client. The Committee also recommended that letters be written to the Chief Justice of the High Court, the Chief Judge of the County Court, Chief Judge of the Provincial Court (Criminal Division) and the Chief Judge of the Provincial Court (Family Division) asking that all of the Judges be advised that solicitors from Manitoba should not appear as counsel in Ontario unless any such solicitor has been approved for an Occasional Appearance Certificate by the Law Society and that the Judges be requested to ask for that Occasional Appearance Certificate from any such solicitor appearing. The Committee further recommended that the Law Society should advise the law associations in Northwestern Ontario to send letters complaining whenever they have evidence that Manitoba solicitors act on transactions in Ontario or appear for clients in the Courts of Ontario.

THE REPORT WAS ADOPTED

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LEGISLATION AND RULES COMMITTEE–Mr. Furlong

Mr. A. B. Doran presented the Report of the Legislation and Rules Committee of its meeting on Thursday, 11th October, 1979.

The following members were present: Messrs. Furlong (Chairman), Cass and Doran, and Mrs. Legge.

SUBSECTION 10 OF SECTION 18 OF THE REGULATION

At its June 1979 meeting, the Policy Section of the Discipline Committee noted that subsection 10 (b) of section 18 of the Regulation states that a cheque drawn on a trust account shall not be signed by a person who is not a member except in exceptional circumstances, and except when the person is bonded in an amount at least equal to the maximum balance on deposit during the immediately preceding fiscal year of the member in all the trust accounts on which signing authority has been delegated to the person. Members of the profession from time to time have asked whether it is appropriate to have a non-member countersign cheques. That Committee's report which was approved by Convocation on 15th June, 1979 expressed the opinion that there is nothing improper with such countersigning provided that the other signatory is a lawyer.

In order to overcome this confusion, that Committee recommended that an appropriate amendment be made to the Regulation and that the matter be referred to this Committee for that purpose.

The Committee recommended that subsection 10 of section 18 of the Regulation be amended to read as follows:

> 18.-(10) A cheque drawn on a trust account,
>
> (a) shall not be made payable either to cash or to bearer, and
>
> (b) shall be signed by at least one member except in exceptional circumstances, and except when a person signing is bonded in an amount at least equal to the maximum balance on deposit during the immediately preceding fiscal year of the member in all the trust accounts on which signing authority has been delegated to such person.

SUBSECTION 11 OF SECTION 18 OF THE REGULATION

At Convocation on 18th May, 1979, the Chairman of the Discipline Committee presented an Order of The Honourable Madam Justice Boland permitting the sum of $21,737.40 then standing in a trust account of the late J. F. R. Douglas, Q.C., to be paid out to the personal representative of the estate to be distributed in accordance with the provisions of the will of the testator. Notwithstanding the Order, it was felt necessary to obtain Convocation's approval since subsection 11 of section 18 of the Regulation made pursuant to The Law Society Act states that money, unless covered by certain specific situations as set out in subsection 8, could not be drawn from a trust account unless Convocation specifically authorized in writing its withdrawal. The specific provisions in subsection 8 did not cover the situation concerning Mr. Douglas' estate. Convocation approved the payment out.

After some discussion, Convocation expressed its opinion that subsection 11 of section 18 of the Regulation should be amended in order to permit the payment out of a trust account by a Court Order alone and instructed this Committee to draft the necessary amendment.

The Committee recommended that subsection 11 of section 18 which presently reads

> "18.–(11) Money other than money permitted by subsection 8 shall not be drawn from a trust account unless Convocation specifically authorizes in writing its withdrawal."

be amended to read as follows:

> 18.–(11) Save as permitted by subsection 8 or pursuant to an order of a court of competent jurisdiction, money shall not be drawn from a trust account unless Convocation specifically authorizes in writing its withdrawal.

PROPOSED AMENDMENTS TO THE LAW SOCIETY ACT AND THE REGULATION

The Deputy Attorney General wrote to the Society raising a number of questions respecting the proposed amendments chiefly seeking to understand the Society's reasons for them. At a meeting lasting some two hours, the Secretary explained the purpose of the various proposed amendments which in most cases were readily accepted. In respect of one or two, however, a compromise was reached which was at once acceptable to the Deputy Attorney General and preserved the Society's purpose.

THE REPORT WAS ADOPTED

....

CONVOCATION ROSE AT 4:45 P.M.

....

Confirmed in Convocation 16th November, 1979.

G. D. FINLAYSON
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 16th November, 1979
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Arthurs, Barr, Brulé, Carnwath, Cass, Catzman, Chilcott, Doran, Farquharson, Ferrier, Furlong, Genest, Gray, Ground, Henderson, Lamont, Mrs. Legge, Messrs. Lerner, Lochead, McWilliams, Noble, O'Brien, Ogilvie, Pepper, Ruby, Scace, Sheard, Mesdames Sutherland and Tait, Messrs. Tebbutt, Thom, Tobias, Wardlaw, White, Willoughby and Yachetti.

. . . .

MINUTES

The Minutes of Convocation of 19th October, 1979 were confirmed.

. . . .

DALTON A. BALES, Q.C.
BENCHER EX OFFICIO

The Treasurer noted with regret the death of Mr. Dalton Bales, Q.C., on 30th October, 1979. Mr. Bales was Minister of Justice and Attorney General of Ontario from 1972 to 1974 and a Bencher ex officio of the Society since 1972. He was Minister of Labour and Minister of Municipal Affairs prior to his appointment as Minister of Justice and an MPP from 1963 until 1975 when he returned to the practice of law. He was called to the Bar on 29th June, 1949.

. . . .

APPOINTMENTS TO STANDING COMMITTEES

It was moved, seconded and *carried* that Mr. *Robert S. Tebbutt* be appointed a member of each of the following Committees: Finance, Practice and Insurance, Legal Aid.

. . . .

DISCIPLINE COMMITTEE–Mr. Carnwath

Re: NICHOLAS JOSEPH MONTI, Hamilton

The reporter was sworn.

Messrs. White and Yachetti withdrew from Convocation, took no part in the discussion and did not vote.

The solicitor did not attend and was not represented. Mr. Thomas J. Lockwood represented the Society.

Counsel for the Society read from two letters, dated 5th October and 15th November, 1979 respectively, both from Mr. Martin Teplitsky, counsel for the solicitor, stating that neither the solicitor nor his counsel would attend Convocation.

Counsel and the reporter withdrew.

The reading of the Report of the Discipline Committee dated 1st November, 1979, was waived. The Committee found the solicitor guilty of professional misconduct and conduct unbecoming a barrister and solicitor. He had misappropriated over $250,000 of clients' funds and had borrowed about a million and a quarter dollars from clients without ensuring that their interests were fully protected.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 1st November, 1979, wherein the solicitor was found guilty of professional misconduct and conduct unbecoming a barrister and solicitor be accepted.

Counsel and the reporter returned.

Counsel was advised that the Report had been accepted.

The Treasurer advised Convocation that the recommendation as to penalty of the Discipline Committee was that the solicitor be disbarred.

Counsel and the reporter retired.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Counsel and the reporter returned.

Counsel was advised of Convocation's disposition of the matter.

Counsel and the reporter withdrew.

……

SPECIAL COMMITTEE ON POLARIS

Mr. J. D. Carnwath, Chairman, presented the Report of the Special Committee on POLARIS dated 19th October, 1979.

The Committee composed of Messrs. Carnwath (Chairman), Farquharson, Furlong, Lamont and Mrs. Legge met on two occasions, the most recent being September 20th and wished to make the following Preliminary Report:

The Committee learned that the Ontario Ministry of Consumer and Commercial Relations intended to release its report on land registration reform at mid-October. The report will describe the concepts of an improved modernized system for land registration in Ontario: POLARIS (Province of Ontario Land Registration and Information System).

In order that the Law Society of Upper Canada be able to properly advise its members as to the import of the POLARIS report upon its public release, the Committee felt that this preliminary report would be of use. Unfortunately, the views expressed herein are not founded on a detailed analysis of POLARIS. Although the Committee was able to discuss POLARIS with Ministry personnel, had seen the Ministry's slide presentation, and had reviewed some of the earlier analyses on land registration reform in Ontario, it had not had access to the POLARIS report. Still, the Committee felt that the legal profession, which is most interested in developments affecting real estate transactions, should benefit from the knowledge of the Committee, in spite of the limitations.

Basically, the Committee supports the goals of POLARIS. The Committee welcomes and encourages any effort to modernize land registration procedures in this province. The mechanics for implementation are not, as yet, available. When they are made public, the Committee will issue a full report expressing its views.

POLARIS does not attempt to change the substantive law of real property; rather, the existing law is preserved intact, although some minor changes are suggested. Reform of registration procedures is a big enough step, without compounding the complexity with changes to the law of real property.

The approach to implementing POLARIS is to modernize each land registration office around the province one at a time. There is no proposal to close offices, or to add new offices. Certain changes, such as amendments to various statutes will obviously affect the entire province simultaneously. But the general rule is that each step in the modernization process will first be tested, and then be implemented throughout the province over an area of time.

The time frame for completion is about 15 years, with the majority of work finished by the 10th year. Certain offices will be modernized much earlier than that, but the Committee does not have a schedule of which ones will be dealt with first. A 15 year program appears lengthy, but the amount of work to be done, and the desire not to be hasty in modernizing any office, means that this is probably a reasonable estimate.

As we understand it, POLARIS has five major components. Called "packages", they are:

1. Legal Improvements.
2. Microfilm Documents and Plans Systems.
3. Certification in the Registry System.
4. Computerized Indices; Property Maps; and Activity Reports.
5. Selective and Aggregate Information Reports.

The "Legal Improvements" package results in the production of a streamlined legal superstructure for the registration function. Among other things, attention will be paid to simplifying documentation through the use of the various "Short Forms" Acts, and amendment of a variety of statutes which are more burdensome than beneficial to the registration system.

The second package will see the microfilming of all documents and plans which are stored in the registration system. A modern, easy to use microfilming system will be used.

The third package will have the Ministry of Consumer and Commercial Relations affirm title to the recent plans of subdivision which are stored in the Registry Act system. Thus the need to search behind these plans will be eliminated.

Package four is the most expensive component of POLARIS. Maps showing all parcels of land in the province will be created, cross-indices (computerized) between existing and new parcel identifiers will be developed, and a management reporting system will be installed.

The fifth package will result in the development of an information system based on land registration records. By tapping the data kept in the system, users will be able to both obtain information which was previously unavailable, and do away with procedures which today are rather tedious (i.e., searching writs of execution).

Each of these packages attempts to accomplish worthwhile objectives. However, only when the POLARIS report is released will we know if these objectives have been reflected in realistic proposals for reform.

POLARIS, when implemented, is supposed to result in significant savings both for the government and the public. Its overall cost of implementation has been kept low because savings from one improvement are applied to the development costs of the next improvement. The lengthy implementation period makes this a realistic approach to financing.

No abrupt changes in the way lawyers operate will take place. Over time a series of improvements will be put in place, but preceded by consultation with lawyers, surveyors and other users. The Committee feels that this is an important component of POLARIS, and it should not be minimized.

In summation, the Committee is generally encouraged by what it has learned of POLARIS. It shall monitor the forthcoming events closely.

THE REPORT WAS RECEIVED

. . . .

LETTER, 2ND NOVEMBER, 1979, FROM JAMES C. GASKIN, PRESIDENT, THE PEEL COUNTY LAW ASSOCIATION

The Treasurer referred to Mr. Gaskin's letter asking that the Society advise The Peel County Law Association what members of the Society practise in the area of that Association.

....

MOTION: PROVISION OF INFORMATION TO COUNTY OR DISTRICT LAW ASSOCIATION RESPECTING MEMBERS PRACTISING IN AREA

It was moved, seconded and *carried* that information be provided, on request, to a county or district law association respecting members practising in the area of that association.

....

LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. S. Lerner, Vice-Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 8th November, 1979.

The following members were present: Mr. J. J. Carthy, Chairman; Messrs. Arthurs, Barr, Brulé, Catzman, Doran, Ferrier, Ground, Lamont, Lerner, Outerbridge, Scace, Mrs. Tait and Mr. Thom.

FACULTY APPOINTMENTS –
Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 4th, 1979:

(a) **Family Law Section:**

Group Instructor (Osgoode Hall): Philip Spencer.

Standby Instructors (Osgoode Hall): A. S. Cooper, Jennifer Leddy, Ellen Macdonald, L. A. Panchenko.

(b) Law Office Administration Section:

To continue as Head of Section: A. A. Strauss, Q.C.

Group Instructors (Osgoode Hall): Serge Anissimoff, R. Y. W. Campbell, J. M. Daniels, P. M. Feldman, Jack Greenberg, K. N. Karp, L. M. I. McCaw, F. P. Oster, Julian Romanko, R. D. Walker, L. A. Welwood, A. I. Wexler, M. W. Zwicker.

Group Instructors (Ottawa): R. A. Barrette, D. P. Hamilton, J. L. D. King, H. R. McNeely, J. P. Morrison, P. H. Watson.

Group Instructors (London): G. H. Kleiman, E. C. Somerville, L. R. Waller, J. A. Whaley, E. D. Winder.

Standby Instructor (Osgoode Hall): J. P. Hamilton.

Standby Instructor (Ottawa): P. C. LaBarge.

Standby Instructors (London): W. L. Hewson, J. D. Wright.

(c) Accounting in a Law Office Section:

To continue as Head of Section: J. C. Vincent, C.A.

Group Instructors (Osgoode Hall): David Aiken, C.A., W. J. Buckle, C.A., C. A. Calverley, John Clappison, C.A., P. A. Clarke, C.A., W. C. Dovey, C.A., R. F. Fawcett, C.A., Ronald Flom, M. F. Garvey, C.A., Sheldon Goodman, R. F. Hains, C.A., J. C. Heath, C.A., S. M. Lax, I. S. MacGregor, P. F. Marchildon, A. F. Marshall, L. W. Newton, C.A., J. A. Micules, C.A., A. J. Packer, M. S. Parrett, C.A., W. T. Pashby, J. W. Peace, W. T. Perks, Harvey Storm, R. W. Thompson, C.A., A. B. Tulk.

Group Instructors (Ottawa): D. A. Bishop, C.A., W. G. F. Fenton, C.A., T. E. Foran, C.A., Alan Freed, C.A., R. A. Vickers, C.A., D. A. Whitelaw, C.A., R. D. Wiens, C.A.

Group Instructors (London): G. D. Cudmore, R. A. Dolphin, C.A., W. R. Munday, C.A., Dwight Rollins, C.A., Donald Sheeby, C.A.

Standby Instructors (Osgoode Hall): S. L. Berg, J. W. R. Medland, C.A., Nick Minov.

Standby Instructors (Ottawa): F. B. Murphy, C.A., Joanne Watt, C.A.

Standby Instructors (London): David Atkinson, C.A., Ian McIntosh, C.A.

(d) Corporate and Commercial Law Section:

To continue as Head of Section: Allen Karp, Esq.

Group Instructors (Osgoode Hall): Morton Ainsley, William Alcamo, S. V. Arnold, P. E. Brent, David Buchanan, David Butler, Richard Clark, J. R. Collins, A. K. Crossley, C. S. Goldfarb, Maxwell Gotlieb, W. H. Gravely, B. J. Hutzel, Brian Johnston, E. P. Kerwin, J. A. Levin, W. J. L'Heureux, Brent Lisowski, R. B. Matthews, R. W. McDowell, R. E. Milnes, Paul Neubauer, W. T. Pashby, M. J. Perelman, J. M. Potwin, D. R. Scott, S. F. Troster, J. H. Whiteside, A. H. Whittaker, G. A. Wilson, N. L. Winton, L. A. Wittlin.

Group Instructors (Ottawa): K. W. Boland, P. W. Fortier, R. W. Groulx, J. F. Holmes, W. C. V. Johnson, T. W. Peterman, P. T. Taggart.

Group Instructors (London): G. B. Carmichael, J. W. Dunlop, R. G. Hatt, D. R. Ross, W. C. Nursey.

Standby Instructors (Osgoode Hall): Gerald Kinasz, M. Z. Lazarus, W. M. O'Reilly, Peter Smith.

Standby Instructors (Ottawa): R. D. Chapman, D. M. Lennox, Lawrence Soloway.

Standby Instructors (London): W. G. Chizmar, R. J. Israel.

(e) Real Estate and Landlord and Tenant Section:

To continue as Head of Section: P. H. G. Walker, Q.C.

Group Instructors (Osgoode Hall): P. A. Adams, D. A. Allport, D. R. Angelson, L. D. Barsky, J. S. Brown, D. M. Brans, T. G. Deacon, M. J. Fingret, B. V. Hatt, L. M. Hess, R. A. Hummel, M. A. Kelly, A. C. Knox, B. J. McGregor, Paul Merrick, D. H. Milman, M. J. Mitchell, M. J. Mowbray, Paul Neubauer, Marsha Onyett, J. J. Prince, P. D. Quinn, R. W. J. Seyffert, R. E. Smolkin, C. Stoyan, W. M. Traub, Sidney Troister, G. T. Tsampalieros, R. C. Watt, D. J. McRae, E. N. Merkur.

Group Instructors (Ottawa): F. A. W. Ault, Robert Chartrand, Abraham Feinstein, E. L. Gladu, D. H. Hill, R. E. Murray, F. G. Tanner.

Group Instructors (London): P. E. Bradley, J. R. Carrie, P. C. Gillespie, A. J. Hanes, D. W. Lewis.

Standby Instructors (Osgoode Hall): K. J. C. Dean, M. T. Garvey, K. N. Karp, H. D. Marks, C. F. Winer.

Standby Instructors (Ottawa): J. B. Hebert, R. A. Ritchie, L. A. Roine.

Standby Instructors (London): J. H. Little, R. G. Siskind.

Approved

CONTINUING LEGAL EDUCATION – PUBLICATIONS

The Carswell Company Limited requested permission to display in Osgoode Hall on the presentation of continuing legal education programmes its current publications relating to the field of law and practice which is the subject matter of the programme. Carswell's were advised that no such permission could be given without affording the same opportunity to all legal publishers and that no policy decision on this question had been made by the Society. In addition to Carswell's there are four well known commercial publishers, namely, Butterworths & Co. (Canada) Ltd., Canada Law Book Limited, Richard De Boo

Limited and CCH Canadian Limited. In addition to the commercial publishers, both the Law Society and the Canadian Bar Association are engaged in the distribution and sale of law publications. It has been the practice at the Mid-Winter Meeting of the Ontario Branch of the Canadian Bar Association and at other Canadian Bar Association meetings for commercial publishers and the Canadian Bar Association to display their law publications. The following questions are raised:

(a) Should legal publishers be permitted to display texts and other publications in Osgoode Hall on the occasion of continuing legal education programmes?

(b) Should the Law Society display its legal publications at the Mid-Winter Meeting of the Canadian Bar Association of Ontario?

(c) Should the Law Society have a permanent display case of its current publications in the foyer outside the main classroom in the education wing of Osgoode Hall?

The Committee recommended that each of these three questions be answered and acted upon in the affirmative.

SUB–COMMITTEE TO REVIEW THE BAR ADMISSION COURSE

A report of the Sub-Committee dated 8th November, 1979 was before the Committee.

The Committee recommended the adoption of the final paragraph of the report, namely,

> *"Requirement of Good Character*
>
> Section 27(2) of the Law Society Act stipulates that an applicant for admission to the Society shall be of good character. At present the application form for admission to the Bar Admission Course contains no question which requires an applicant to disclose any matters which might bear on this question. Your sub-Committee recommends that in the notes which appear at the bottom of the application form the following note appear:
>
> Section 27(2) of the Law Society Act requires that an

> applicant for admission to the Society shall be of good character. An applicant should discuss with the Director any circumstances, including any convictions, which may be relevant to this requirement."

and deferred the balance of the report for further consideration.

SPECIAL PETITIONS

The Committee gave consideration to three special petitions. One petitioner sought permission to defer entry into the teaching term of the Bar Admission Course for a further period of one year until September 1980. This petitioner who had completed articles in 1977 had been granted a one-year deferment to take a second term of articles with a solicitor in the Criminal Appeals Branch of the Ministry of the Attorney General and a second one-year deferment, although he had requested a two-year deferment, in order to look into LL.M. programmes and decide whether or not to do post-graduate work. The second deferral was subject to the proviso that a further deferral of one year would not be granted unless the Committee was satisfied that he had been engaged in legal work or studies satisfactory to the Committee during the period of deferral then granted. The petitioner supplied particulars of his full-time engagement in legal work for government agencies and practitioners during the period of deferral and stated that he would continue in such work and/or undertake an LL.M. programme if he could find one in a desired area of law should a further deferral be granted to him. The Committee approved the petition.

The second petitioner who received his LL.B. degree in 1979 was unable for medical reasons to commence service under articles until 11th October, 1979, when he entered into articles of clerkship, filed application for admission to the Bar Admission Course with all relevant documents, and paid the prescribed fee and a late filing fee. He asked to be admitted as a student member of the Society and that service under articles from 11th October, 1979 to 31st August, 1980, without time off for vacation, be accepted in full of the articling requirement. The petition was approved by the Committee.

The third petitioner was called to the Bar of New Brunswick in 1971 and from September, 1971 to March, 1974 was employed by the Royal Trust Company in Montreal, working in the area of estates and trusts. Since April, 1974 the petitioner has been corporate counsel with the Royal Bank of Canada and is now senior counsel providing legal services to the domestic operations of the bank and reporting to the General Counsel, a member of The Law Society of Upper Canada. By virtue of being an in-house counsel with the bank the petitioner was given a restricted membership in the Bar of the Province of Quebec in June, 1976. The petitioner claimed broad experience in the bank's domestic loan and securities documentation in the provinces of Canada, in particular Ontario, and in advising the bank on other Federal and Provincial legislation. The petitioner stated she had attended a number of continuing legal education programmes offered by The Law Society of Upper Canada. The petitioner asked:

(a) that the five-year limitation under Regulation 26(4a) be extended to permit her to enter the Bar Admission Course;

(b) that service under articles be waived or alternatively that the prescribed twelve consecutive month period of service under articles be reduced; and

(c) that the number of courses to be taken by the petitioner in the teaching term of the Bar Admission Course be reduced.

The Committee recommended that the five-year limitation under Regulation 26(4a) be extended to permit the applicant to enter the Bar Admission Course in the event of her prospective move to Toronto.

The Committee further recommended that the applicant's petition respecting service under articles *Stand* pending further information and particulars from the applicant concerning her prospective move to Ontario and concerning the work which the applicant has been doing in relation to the law of Ontario.

The Committee further recommended that the applicant's petition to be allowed to take less than the whole of the teaching term of the Bar Admission Course be denied.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the period from 1st July to 30th September, 1979 and the period from 1st July to 31st October, 1979, and reviewed a statement setting out the Continuing Education programmes presented in October 1979 and the publications report for the month of October 1979.

THE REPORT WAS ADOPTED

....

ADMISSIONS COMMITTEE—Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 8th November, 1979.

The following members were present: Mrs. L. L. Legge (Chairman), Messrs. Carthy, Cass, Catzman, Ground, Lamont, Pepper, Scace, Mrs. Sutherland and Mr. White.

ADMISSION OF STUDENTS—AT—LAW

Bar Admission Course

One further candidate, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as a student-at-law in the Bar Admission Course as of 1st September, 1978.

A further 88 candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1979.

Approved

DIRECT TRANSFER FROM QUEBEC

The Committee considered two applications to transfer to practice in Ontario by Quebec lawyers. One applicant sought to proceed under Regulation 4(2) and this application was approved. The other applicant sought to proceed under Regulation 4(2) and 3(1). This application had been before the Committee in September when the Committee directed that the applicant be requested to submit further details of his work. The Committee had before it a letter from the applicant giving the requested information. The application was approved.

FULL–TIME MEMBERS OF THE FACULTIES OF APPROVED LAW SCHOOLS

The following member of an approved law faculty asked to be called to the Bar and admitted as a Solicitor without examination under Regulation 9 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200. A letter confirming the eligibility of the applicant has been received from the Dean of the law school.

Winnifred Helen Holland Faculty of Law The University of Western Ontario	LL.B. University of London, England 1966; Called to the Bar of England and Wales 1967.

Approved

EXTERNAL EXAMINATIONS

Five candidates who had been approved by the Committee to proceed under Regulation 4(2) sat the required examination at Osgoode Hall. The examinations were identified only by numbers and a report of the examiners was before the Committee.

Four candidates passed and one failed.

Approved

PETITIONS

The Committee had before it two petitions for consideration. With respect to the first petitioner the Legal Education Committee had recommended that he be permitted to enter the teaching portion of the Bar Admission Course after completion of service under articles of clerkship for a period of two consecutive months, and in May 1979 Convocation approved this recommendation. The petitioner served the requisite two months, filed all the necessary documents and requested admission to student membership in the Society. The petition was before the Committee at its September meeting when consideration of it was deferred pending receipt of further information. The Committee had before it the petition, the requested information and a report from the Director of Legal Education that the petitioner had attended all seminars and lectures since the current teaching term started. The petition was approved.

The second petitioner sought permission for the late filing of his application for admission as a student member of the Society and that the period from 11th October, 1979 to 31st August, 1980, without time off for vacation, be accepted as fulfilling the articling requirement. A similar petition was before the Legal Education Committee. The petition was approved.

OCCASIONAL APPEARANCE

In September 1979 *Jim Martin Stoffman* of the province of Manitoba made application to be called to the Bar in Ontario for an Occasional Appearance in the case of *Braun vs. Braun*. His request was denied as his client, Mrs. Mary Braun, was a resident of St. Catharines, Ontario. A letter was received from Mrs. Mary Braun asking the Committee to reconsider its decision and allow him to be called so that he may act for her.

The Committee recommended that she be advised that the Committee's decision will not be changed.

OCCASIONAL APPEARANCES

At its October 1979 meeting the Admissions Committee recommended that subject to Convocation's direction, the Committee in future recommend that the discretion be exercised to permit an occasional appearance only where it has been shown that otherwise the client would be prejudiced. On 19th October, 1979 at Convocation, it was moved, seconded and carried that the Committee's recommendation not be adopted.

The Unauthorized Practice Committee reported to Convocation on 19th October, 1979 and recommended that the Admissions Committee should issue a standardized Occasional Appearance Certificate naming the matter to which the authority extends. The Report was adopted. This Committee had the report before it.

Noted

THE REPORT WAS ADOPTED

....

Mrs. Legge presented the Report of the Admissions Committee of its meeting at 9:30 a.m. on Friday, 16th November, 1979.

The following members were present: Mrs. L. L. Legge (Chairman), Mr. Henderson, Mrs. Sutherland and Mr. White.

DIRECT TRANSFER FROM QUEBEC

The Committee considered an application to transfer to practice in Ontario by a Quebec lawyer who sought to proceed under Regulation 4(2). The application was approved.

THE REPORT WAS ADOPTED

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FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 8th November, 1979.

The following members were present: Messrs. Pepper (Chairman), Farquharson, Gray, Ogilvie, Scace and Shaffer.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointment to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

Henry Arthur Vogelsang London	Called – 19 March 1970 Appointed Provincial Court Judge, Family Division, County of Middlesex – 15 September 1979
David Gibson Scott Toronto	Called – 25 June 1959 Appointed Provincial Court Judge, Criminal Division, Judicial District of York – 12 October 1979
Darrell Draper, Q.C. Toronto	Called – 19 June 1947 Appointed Provincial Court Judge, Criminal Division, Judicial District of York – 12 October 1979
Robert Douglas Osborne, Q.C. Toronto	Called – 29 June 1950 Appointed Provincial Court Judge, Criminal Division, Judicial District of York – 12 October 1979
Stanley William Long, Q.C. Toronto	Called – 24 June 1954 Appointed Provincial Court Judge, Criminal Division, Judicial District of York – 12 October 1979
Anthony Edward Charlton Toronto	Called – 10 April 1964 Appointed Provincial Court Judge, Criminal Division, Judicial District of York – 12 October 1979
Gerald Ernest Vickers Mississauga	Called – 16 September 1954 Appointed Judge, Small Claims Court, Judicial District of York – 1 October 1979
Ronald Louis Radley, Q.C. Toronto	Called – 25 June 1959 Appointed Judge, Small Claims Court, Judicial District of York – 1 June 1979
Stanley Roy Kurisko, Q.C. Sault Ste. Marie	Called – 24 June 1954 Appointed County Court Judge, District of Thunder Bay – 20 September 1979

John Brunton Webber, Q.C. Brampton	Called – 25 June 1959 Appointed County Court Judge, County of Dufferin – 20 September 1979
Donald Edward Cooper, Q.C. Hamilton	Called – 24 June 1954 Appointed County Court Judge, Judicial District of Hamilton-Wentworth – 20 September 1979

Deaths

The following members have died:

James Allen Morrison, Q.C. London (Life Member)	Called – 13 September 1923 Died – 20 September 1979
George Leslie Pallett, Q.C. Mississauga	Called – 19 September 1946 Died – 14 October 1979
Raymond Franklin Wilson, Q.C. Fort Erie	Called – 21 September 1933 Died – 14 October 1979
Elmo Linfield Ashbourne, Q.C. Toronto (Life Member)	Called – 20 November 1924 Died – 8 October 1979
Ralph Keyes Toronto	Called – 26 June 1958 Died – 4 October 1979
Mortimer Arnold Abrams, Q.C. Owen Sound	Called – 29 June 1948 Died – 4 October 1979
Richard Wilfrid Joel Posluns Toronto	Called – 10 April 1964 Died – 30 September 1979
Carl Tibor Kerenyi Toronto	Called – 19 April 1963 Died – 15 October 1979
Frederick Wisner Kemp, Q.C. Kingston (Life Member)	Called – 19 December 1923 Died – 18 August 1979
Walter John McGibbon, Q.C. Waterloo	Called – 18 November 1926 Died – 23 October 1979
Dalton Arthur Bales, Q.C. Toronto (Bencher ex officio)	Called – 29 June 1949 Died – 30 October 1979

Disbarment set aside

Pursuant to section 44 of The Law Society Act, *Robert Joseph Stoangi* appealed his disbarment to Divisional Court of The Supreme Court of Ontario. On 11th July, 1979, Mr.

Justice Griffiths gave oral Judgment setting aside Convocation's Order of Disbarment and directing that the matter be remitted to Convocation for further consideration and to impose the appropriate penalty in the light of the Court's Judgment. On 12th September, 1979, Convocation gave further consideration to the matter and imposed on the solicitor a penalty of suspension for six months ending 27th September, 1979. *(See p. 381-383.)*

Noted

MEMBERSHIP RESTORED

The Honourable *Wilbur Roy Jackett* gave notice under section 31 of The Law Society Act that he had resigned as a Judge of the Federal Court of Canada on 1 October, 1979. Accordingly, his membership was restored effective 26 October, 1979.

Noted

LIFE MEMBERS

Pursuant to Rule 49, the following are eligible to become Life Members of the Society effective 21 November, 1979:

Annie Epstein Baker	Toronto
Alexander Foster Burritt, Q.C.	Ottawa
Frank Raphael Dore	St. Catharines
Robert Frank Hardy	Burlington
Herbert Lovell Joy, Q.C.	London
Harry Samuel Mandell, Q.C.	Toronto
Angus McMillan, Q.C.	Oakville
Eldon Wilkinson Mitchell	London

Noted

CHANGE OF NAME

The following members have requested that their names be changed on the rolls of the Society and have submitted the required documentation in support:

From	*To*
Martha Babych-Trofimenko	Martha Babych Trofimenko (without hyphen)
Jack Sydney George Cullen	Jack Sydney George *Bud* Cullen (Court Order)

The following student members have requested that their names be changed on the rolls of the Society and have submitted the required documentation in support:

From	*To*
Linda Marie Gualtieri	Linda Marie *Walters* (Court Order)
Laura Mary Iacono	Laura Mary Iacono *Formusa* (Married Name)
Elisabeth Ann Todd	Elisabeth Ann *Campin* (Maiden Name)

Approved

RESIGNATION

William Lyon Somerville of Toronto requested permission to resign his membership in the Society and requested that he be relieved of the requirement of publication in the Ontario Reports.

Approved

MEMBERSHIP UNDER RULE 50

Retired Members

The following members, who are sixty-five years of age and over and who are fully retired from the practice of law, requested permission to continue their membership in the Society without payment of annual fees:

Arthur John Cassels Anglin, Q.C.	Don Mills
The Hon. William Moore Benidickson	Ottawa
Thomas Richardson Brophey	Harrow
Edward Ormonde Butler, Q.C.	Belleville
Reginald James Chandler	Peterborough
Bruce Pettit Davis, Q.C.	King City
Elmer Abram Driedger, Q.C.	Ottawa
Terrence Fleming Flahiff	Westmount
George Taylor Gale	Toronto
Garson Loeb Gordon	Scarborough
William Bernard Herman, Q.C.	Toronto
Edward Henry Hill	Toronto
Kenneth Elliott Kennedy, Q.C.	Mississauga
John Sheppard Kilgour, Q.C.	Huntsville
Arthur Otto Klein, Q.C.	Willowdale
John Gaskin Wallace Sands, Q.C.	Kingston
Harold Hyman Siegal, Q.C.	Toronto
James Innes Stewart, Q.C.	Toronto
Harold Duncan Van Horne	Sarnia
Benjamin Gerald Winters	Windsor

Approved

Incapacitated Members

The following members requested consideration of their applications as disabled members to continue their membership in the Society without payment of annual fees:

Beverly Linda Craven Fien	Winnipeg
George Kenneth Langford, Q.C.	Toronto
George Wood Stoddart	Toronto
Edward Laxton, Q.C.	Toronto

Approved

COMPENSATION FUND

Mr. *Brian Goodman*, who is employed full-time in the office of the Ombudsman,objected to paying the Compensation Fund levy and was given leave by the Chairman to make oral submissions to the Committee.

In May 1978, Convocation approved an amendment to Rule 50, which made a number of changes respecting the Annual Fee. At the same time, the earlier practice of allowing exemption from Compensation Fund levy to certain categories of members was discontinued and, with effect from 1978/79, all members who pay Annual Fees pay Compensation Fund levy.

The members who were previously exempt were:

(i) All members paying Annual Fee for the first time;

(ii) Members who were retired from practice and all other employment;

(iii) Members outside the province.

There has been a considerable volume of telephone calls from members regarding liability for Compensation Fund levy. Most of the enquiries have originated from members employed in non-practising situations such as Government, corporations, etc. These members paid the levy before the change but this year a combination of the increased levy and the way in which it was set out in the fees notice appears to have given rise to greater concern by the members.

It is estimated that approximately 12,700 members will pay Compensation Fund levy in 1979/80, made up as follows:

Sole practitioners, partners, employees and associates in law firms	9,800
Employed in education, government, corporations, etc.	2,300
Retired	100
Not in Ontario	500
	12,700

If the levy had been paid by members in the first category only, the levy for 1979/80 would have been $65 per member to produce the income resulting from a $50 levy on all fee paying members.

Mr. Goodman attended and made submissions to the Committee that it was unreasonable to require the following categories of members to pay the levy:

Employed in education;
Employed in government;
Employed other;
Retired;
Not in Ontario;

because they are not in a position to cause losses to the fund.

The Committee recommended that no action be taken with respect to his submission.

SAFETY DEPOSIT BOX

The present arrangements with the Canadian Imperial Bank of Commerce require that access to the Society's Safety Deposit Box be vested in a Bencher and one of the Secretary, Deputy Secretary or Comptroller. The Committee was asked to authorize the Secretary to execute a new agreement with the bank substituting Finance Administrator for Comptroller.

Approved

BUILDING – ADDITIONAL SPACE

Great Library

The Committee approved the sum of $9,000 to be spent to convert space on the third floor from library storage space to office space. Work has not proceeded because it has not been possible to find other space for books now stored.

The Society's architect recommended the installation of "Mobilex Shelving" in Room 080 in the basement to permit the books to be transferred to this location. Cost is $21,990 plus Ontario Sales Tax, installation included.

The Committee recommended that this matter be allowed to stand, pending advice from the Chief Librarian on what material can be disposed of to make room for the material now in the space above Convocation Room.

Audit Department

Approval was requested for the expenditure of $2,400 for the installation of shelving in cell rooms used for storage of old records of this department.

Approved

LAW SOCIETY PENSION PLAN

Standard Life Assurance Company recommended that the equity content of the Pooled Investment Funds be reduced from 60% to 55% with a corresponding increase in the Bond Fund.

Noted

GENERAL MAINTENANCE

Included in the 1979/80 contract for general maintenance were two items, the estimated cost of which is now expected to exceed the original estimate.

A new wood panelling on the screen wall in the Servery adjacent to the Benchers' Dining Room was originally estimated to cost $3,200 and a quotation of $3,956 has been received.

Refinishing the entrance into the Benchers' corridor to the Great Library was estimated at $7,000 and a quotation of $7,209 has been received.

The Committee was asked to approve these two items.

Approved

THE REPORT WAS ADOPTED

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DISCIPLINE COMMITTEE (Continued)

GENERAL

Mr. J. D. Carnwath, Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 8th November, 1979.

The following members were present: Messrs. Carnwath (Chairman); Bynoe (Vice-Chairman), Ogilvie (Vice-Chairman), Cass, Furlong, Ruby and Mrs. Sutherland.

The Committee considered several matters and gave the appropriate instructions.

THE REPORT WAS RECEIVED

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COMPENSATION FUND SUMMARY

Mr. Noel Ogilvie, Vice-Chairman, presented the Compensation Fund Summary for the period ended 31st October, 1979.

COMPENSATION FUND

For the Period from 1st July, 1979 to 31st October, 1979

(4 months)

TOTAL RECEIPTS	$ 477,215.80
TOTAL DISBURSEMENTS	$ 342,596.96
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 134,618.84
BALANCE OF FUND at beginning of period	$1,558,782.05
BALANCE OF FUND at end of period	$1,693,400.89
CLAIMS RECEIVED and in the course of being processed as at 31st October, 1979	$4,882,932.72

THE SUMMARY WAS RECEIVED

. . . .

COMPENSATION FUND REPORT

Re: CHARLES S.M. MORTIMER, Toronto
(disbarred lawyer)

Mr. Ogilvie presented the Report of the Discipline Committee, dated 8th November, 1979, with respect to applications to the Compensation Fund arising out of the practice of Charles S. M. Mortimer, a disbarred lawyer.

Charles S. M. Mortimer was disbarred on 18th October, 1974.

Subsequently, the Society received eighteen claims against the Compensation Fund in connection with his practice, totalling $739,145. J. S. Boeckh, Q.C., was appointed as Referee. His reports have been submitted to this Committee which was originally composed of Mr. Furlong as Chairman and Messrs. Ogilvie and Seagram. Subsequently, Mrs. Legge replaced Mr. Seagram when the latter did not stand for re-election as a bencher.

A summary of the disposition of all the claims, except one, that of Thomas Watson, was before the Committee and Convocation.

The purposes of this report were to obtain ratification for exceeding the $150,000 discretionary limit by $3,366.46 and to obtain approval to pay Mr. Watson the balance of his claim, namely, $10,838.30, totalling $14,204.76.

As a young boy, Watson was seriously injured in a motor accident. An action was started on his behalf. As a result of a judgment by Mr. Justice Landreville, his recovery of $25,000 was paid into court to his credit. Watson, coming of age, retained Mr. Mortimer to get his money out of court. In due course, the money standing to Watson's credit, namely, $24,012.13, was transferred to Mortimer pursuant to an agreement drawn by the latter and signed by the former. Under its terms Mortimer was to invest the funds and pay Watson $150 per month during the latter's lifetime. The Referee found that Mortimer's misappropriation of Watson's funds was a clear breach of trust and unlawful. He was also satisfied that a solicitor/client relationship existed.

Material filed with the Referee indicated that there is a question of Watson's capability to be continuously gainfully employed as a result of the accident.

The Committee, being of the view that Watson is the type of person that the Fund was designed to protect, recommended that the balance of his claim, namely, $10,838.30, be paid out to him.

THE REPORT WAS ADOPTED

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PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 8th November, 1979.

The following members were present: Messrs. Ground (Chairman), Yachetti (Vice-Chairman), Genest (Vice-Chairman), Arthurs, Bynoe, Carnwath, Catzman, Lamont, Lerner, McWilliams, Outerbridge, Mrs. Sutherland and Mr. Wardlaw.

1. At a recent Convocation there was a discussion as to in what situations the word "Associates" could be used in firm names or by members to describe their relationship with firms. Since it was felt that this question merited careful consideration and that any conclusions reached might involve some aspect of the disciplinary process, it was decided that a joint Sub-Committee should be appointed, the membership being drawn from this Committee and the Policy Section of the Discipline Committee. Mr. Robert L. Anderson is to be asked to attend when the Sub-Committee meets.

2. Section 35 of The Solicitors Act deals with solicitors charging interest on their "disbursements and costs". In 1973 the Ontario Law Reform Commission reported on The Solicitors Act. The report included a draft piece of legislation known as The Solicitors' Fees Act.

The Society appointed a Sub-Committee to review the proposed legislation reporting to Convocation in January 1975. The report as approved was forwarded to Queen's Park shortly thereafter. There appears to have been no governmental activity with respect to the proposals of the Law Reform Commission.

From time to time members of the profession express concern about what they consider to be the ambiguity and/or needlessly restrictive provisions of The Solicitors Act.

The Committee appointed a Sub-Committee under the chairmanship of Mr. Catzman and composed of Messrs. Arthurs, Lerner, McWilliams, Outerbridge and Yachetti to consider the matter and report back.

3. The Committee was advised that Parkdale Community Legal Services wishes to incorporate as a provincially constituted non-profit corporation and when doing so to retain its present name. The Society's approval of the name and objects was requested. The principal objects are as follows:

1. To establish, maintain and operate a community clinic within and for the benefit of the Parkdale Community in Toronto, Ontario, and in connection with this and subject to the applicable laws of Ontario from time to time, to provide advice, assistance, representation, education and research to both individuals and groups, and to organize, carry on and participate in such other activities as may from time to time seem expedient for the benefit of the Parkdale community.
2. To provide community service of a charitable nature to the Parkdale community in Toronto, Ontario, for the general benefit of the Parkdale community.
3. In the course of providing services as aforesaid, to participate with a university school of law in the education and training of students of law.

The Committee could find no objection to the use of the name or the proposed objects.

4. A member of the profession wrote, noting that the Society has not given any limitation with respect to the length of time solicitors should retain search of title notes. He set out the following three propositions:

1. Search notes may be disposed of six years after the transaction of purchase has been completed.
2. Search notes may be disposed of following the transfer of title to a new purchaser without retention of any part of the fee or equity of redemption in the client of the solicitor.
3. In the instance where a search was conducted in order to obtain the

> security as opposed to a fee against the lands (i.e. mortgages, liens, debentures, cautions...) then the search notes may be destroyed upon the solicitor's client being satisfied that his debt has been paid.

The answer to the first and second questions the Committee felt theoretically should be forever but considered forty years as a not unreasonable time. With respect to the third question the Committee was of the opinion that the notes may be destroyed upon the solicitor's client being satisfied that the debt has been paid.

5. A member of the profession has been approached by an office management company with a proposition whereby he would be given the opportunity to open a series of branch offices throughout the Metro Toronto area. These branches would be located within a large department store but in premises clearly marked as law offices. The member proposes to man these branch offices with paralegal personnel with either himself or other lawyers being available for consultations and legal work as may be necessary. He asked the following questions:

> 1. Would there have to be a solicitor in full-time attendance at each of these branch offices.
> 2. Would it be permissible to advertise the existence of these offices, the hours of operation, the fields of expertise, the fees for initial consultation, through flyers that would be inserted in the accounts of the department store as they are sent out to their customers.
> 3. If the above-noted form of advertising is not acceptable, what method would the Law Society accept as being proper, in order to advise the public in general and the customers of this department store in particular, of the existence of the Law Office.
> 4. Is there any direct policy prohibiting clients from paying by an accepted and established credit card, if such becomes necessary.

The Committee, after careful consideration, instructed the Secretary to advise that the Society has no objection *per se* to the establishment of branch offices where a lawyer attends in accordance with a regular schedule. The Committee, however, feels what is objectionable is a scheme wherein a law firm establishes a relationship with a department store chain whereby such a relationship would be used as a means of attracting clients. With respect to the second question, the answer is no as a department store flyer would not appear to be the type of publication contemplated by Rule 13. With respect to the third question, in order to determine what type of advertising is proper, the solicitor should consult the provisions of paragraph 14(a) of the Rules of Professional Conduct. The answer to the fourth question will depend upon Convocation's action on the Report of the Special Committee on Use of Credit Cards.*(See p.547.)*

6. Recently a member was retained by a client to defend him on a charge of theft over $200 involving a piece of automobile equipment. He advised his client that in order to be retained properly, he would have to receive payment of his fee in advance and the client paid his entire fee.

About one week later, the client contacted the member's office and advised his secretary that he had been charged with further offences. The member met with the client a few days later and was advised by the client that he had been charged with two more counts of theft over $200, but this time involving monies taken on two separate occasions from his place of employment. One charge dealt with a theft prior to the first meeting with the client, the second charge dealt with a theft immediately subsequent to the first meeting with the client.

During the course of the interview with the client on these new charges, the member was advised that part of the monies stolen were used to pay his fee, part had been recovered and part had been spent elsewhere.

The member asked for the advice of the Committee.

After a full discussion the opinion was reached that the member should immediately send the funds in question back to the client with a covering letter stating that he, the client, should return the money to the person to whom it belonged. The letter should go on to say that if the client still wished to retain the lawyer, then he must obtain an amount to cover the fee required, from a proper source. It should further be pointed out to the client that the lawyer may to some extent be circumscribed in the defence he could present by the information that he now has. The lawyer should not disclose any aspect of this "confession" to the authorities nor anyone else.

7. Various other matters were considered with appropriate instructions being issued in each instance.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE– Mr. Farquharson

Mr. G. H. T. Farquharson, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 8th November, 1979.

The following members were present: Messrs. Farquharson (Chairman), Lerner, Shaffer, Strauss, Mrs. Tait and Mr. Yachetti. Miss A. R. McCormick and Mr. D. V. Burnett were also present.

GREAT LIBRARY

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

COUNTY AND DISTRICT LAW LIBRARIES

SUB–COMMITTEE ON COUNTY LAW LIBRARY GRANTS

The Secretary reported that the interim report of the Sub-Committee had been received. The Committee recommended that the interim report of the Sub-Committee on County Law Library grants be received and that final disposition of the recommended formula for the payment of grants be deferred until the Law Foundation has dealt with the current application for funds.

APPLICATION TO THE LAW FOUNDATION OF ONTARIO

The Secretary reported that an application would be made to the Trustees of The Law Foundation of Ontario for funding the County and District Law Libraries in 1980. The Committee recommended that the following amounts be submitted in the application to the Trustees:

1.	For grants	$468,375.00
2.	Central Administrative Programme (covers period July 1 – Dec. 31/80)	$121,910.00
		$590,285.00

Approved

YORK NORTH LAW ASSOCIATION

The Secretary reported that he had received a letter from the President of the York North Law Association asking for funding for the new Law Association Library from the Law Society and from The Law Foundation of Ontario. The Chief Librarian will investigate the needs of this Association and report to the Committee.

Noted

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. Tobias

Mr. P. B. Tobias, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 8th November, 1979.

The following members were present: Messrs. Furlong (Acting Chairman), McWilliams, Shaffer, Strauss and White.

1. Several accounts were approved.

2. A letter was received from Professor J. W. Whiteside of the University of Windsor, asking for information as to a public informational program in order to make more people aware of the availability of legal services through the Student Legal Aid Society. The Committee recommended that this matter be referred to the Professional Conduct Committee and the Legal Aid Committee.

3. The Secretary reported receipt of a complaint that a U.S. Attorney (and University Professor)was giving seminars, selling tapes, editing a newsletter and giving advice for $100 concerning U.S. immigration laws. The Secretary was instructed to write to the complainant and state that on the evidence before the Committee there was no unauthorized practice.

4. An interim report was received from counsel for the Law Society concerning his investigation of an individual who was acting as an agent in Provincial Court (Criminal Division). The

Secretary was instructed to obtain a further report from counsel for the Law Society.

5. The Society's investigator submitted a report concerning an individual carrying on an Agriculture Estate Planning agency. The Secretary was instructed to refer the three pamphlets to the Chairman for his opinion as to whether there was any contravention of Section 50(1) of The Law Society Act.

6. The Secretary reported receipt of a complaint from a solicitor concerning a Notary Public acting as a solicitor on a real estate transaction. The Secretary was instructed to write to the complainant and indicate that on the evidence before the Committee there was no unauthorized practice.

7. A letter was received from a solicitor who enquired whether his legal firm could incorporate a company with his partners as the shareholders and a primary object of updating all of the corporate minutes of the corporations for which the firm acts. The Committee recommended that this matter be referred to the Professional Conduct Committee.

8. A letter was received from a Justice of the Peace who asked whether an agent could act on Highway Traffic Act offences in Provincial Court for a fee. The Secretary was instructed to send a letter to the Justice of the Peace indicating that the Society cannot give him legal advice and that he should obtain a legal opinion from his own solicitor.

THE REPORT WAS RECEIVED

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PRACTICE AND INSURANCE COMMITTEE–Mr. Brulé

Mr. J. A. Brulé, Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 8th November, 1979.

The following members were present: Messrs. Brulé (Chairman), Barr, Chadwick, Farquharson, Mrs. Legge, Messrs. Ogilvie and Wardlaw. Messrs. Hargraft and Maltman were present at the Chairman's request.

LEVY – CORRESPONDENCE RESPECTING INCREASE

The following members have written to the Society respecting the increase in the levy and their letters were before the Committee: H. J. Goulding; Edward A. Jupp; James D. L. Kerr; Henry M. Lang; Paul D. Mack; James H. Morlock.

The Committee authorized the Chairman to appoint a Subcommittee to consider the questions raised in the correspondence including the question whether the Society should make a rule prohibiting members from acting for more than one interest in real estate transactions.

BULLETIN NO. 2

The following have written respecting Bulletin No. 2: Clayton R. Peterson; James R. Skells; and Professor John Swan, Faculty of Law, University of Toronto. Their letters were before the Committee.

Noted

ACCOUNT

An account in the amount of $1,277.00 from Peter D. Norman & Associates (B.C.) Ltd. was before the Committee for its approval for payment.

Approved

ADJUSTERS' FEES

Lists of the fees paid in October, 1979, to adjusters under the old Fund, the 1977 Fund, the 1978 Fund and the 1979 Fund were before the Committee.

Noted

COUNSEL FEES

A list of the fees paid to Counsel during October, 1979, was before the Committee.

Noted

MONTHLY REPORT

Mr. Hargraft's monthly report was before the Committee.

Noted

THE REPORT WAS ADOPTED

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MOTION: USE OF NAME "OSGOODE HALL"

In Convocation on 19th October, 1979, the Treasurer referred to a letter dated 7th August, 1979, from Sheila Cann, Academic Advisor & Professional Liaison Coordinator, Osgoode Hall Law School of York University, respecting the 1958 Grant of Coat of Arms to the Law Society for the use of Osgoode Hall Law School.

It was moved and seconded that the Law Society invoke the provisions of paragraph 2 of the agreement of 15th October, 1965 between The Law Society of Upper Canada and York University by giving the notice called for in that paragraph to York University after the Treasurer or his nominee and the Secretary have discussed the matter with the appropriate authority at York University so that the University will not suffer loss but to be effective no later than 30th June, 1981.

Convocation directed that the matter stand to the next Convocation.

On 16th November, 1979, the Treasurer referred Convocation to the letter dated 9th November, 1979, from Dean Stanley M. Beck, Osgoode Hall Law School, York University, which was before it. He read a letter dated 13th November, 1979, from the Board of Governors of York University, signed by John Proctor, Acting Chairman. He also read a letter dated 12th November, 1979, from Mr. E. A. Goodman.

It was moved and seconded that the motion placed before Convocation on 19th October, 1979, be amended to read:

That the Law Society consider invoking the provisions of paragraph 2 of the agreement of 15th October, 1965 between The Law Society of Upper Canada and York University by giving the notice called for in that paragraph to York University to be effective no later than 30th June, 1981, and that the Treasurer or his nominee and the Secretary discuss the matter with the appropriate authority at York University so that the University will not suffer loss, and that all interested parties be given an opportunity to address Convocation. *(See p. 539.)*

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

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The Treasurer and Benchers had as their guests for luncheon The Honourable Mr. Justice Patrick Hartt, The Honourable Mr. Justice D. F. O'Leary, The Honourable Mr. Justice A. W. Maloney and The Honourable Mr. Justice R. S. Montgomery, all of The High Court of Justice of The Supreme Court of Ontario, and Mr. Grant H. M. Armstrong, Q.C., Vice-President of the Law Society of Saskatchewan.

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CONVOCATION RESUMED AT 2:15 P.M.

....

PRESENT:

The Treasurer and Messrs. Arthurs, Bowlby, Brulé, Carnwath, Cass, Catzman, Chilcott, Doran, Farquharson, Ferrier, Furlong, Genest, Gray, Ground, Henderson, Lamont, Mrs. Legge, Messrs. Lochead, McWilliams, O'Brien, Ogilvie, Pepper, Ruby, Scace, Mesdames Sutherland and Tait, Messrs. Tebbutt, Thom, Tobias, Wardlaw, White, Willoughby and Yachetti.

....

MOTION: USE OF NAME "OSGOODE HALL" (Continued)

Convocation resumed consideration of this matter.

It was moved, seconded and *carried* that no action be taken on the matter.

The motion by way of amendment was *not put.*

The motion of 19th October, 1979 was *not put.*

. . . .

LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 7th November, 1979.

The following members were present: John D. Bowlby, Chairman, Messrs. Barnes, Barr, Chadwick, Ms. Cornish, Mrs. Fleming, Messrs. Ferrier, Genest, Jones, Lamb, Michon, Ogilvie, Mrs. Smyth and Mrs. Tait.

The following observer members were also present: Robert P. Armstrong from The Advocates' Society and M. S. Fitzpatrick from the Clinic Funding Committee.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's Report, pursuant to Section 95(2), for the six month period ended September 30, 1979, shows that payments from the Legal Aid Fund were less than budget by $1,143,000. Of this total $197,000 represents under-expenditure of designated Community Clinic funds. The remaining $946,000 is accounted for as follows:

Under Budget	*$*	*$*
Criminal certificate accounts	1,089,000	
Civil certificate accounts	40,000	
Salaried Duty Counsel project	1,000	
Area Office costs	12,000	
Provincial Office costs	78,000	1,220,000

	$	$
Forward		1,220,000
Over Budget		
Duty Counsel payments	100,000	
Legal Advice certificate accounts	2,000	
Student Legal Aid Societies	101,000	203,000
		1,017,000
Less: Expenditures with no budget		
Research Facility	55,000	
Special Projects	16,000	71,000
		946,000

Income from sources other than the Province of Ontario was under budget by $386,000 as follows:

Law Foundation	200,000
Client contributions	38,000
Costs recovered	146,000
Miscellaneous income	2,000
	386,000

As at September 30, 1979, there was a balance in the Fund of $62,000.

Statistics

The following table compares reported activity for the first six months of this fiscal year with the activity for the same period in the previous fiscal year.

	6 months ended		*% Change*
	Sept. 30, 1979	*Sept. 30, 1978*	*from last year*
Summary Legal Advice	23,636)		
	)	57,416	− 6.2
Referrals to other agencies	30,242)		
Applications for certificates	57,839	55,775	+ 3.7
Refusals	18,744	17,930	+ 4.5
As a percentage of applications	32.4	32.1	
Certificates issued	40,982	40,555	+ 1.1
Persons assisted by Duty Counsel:			
Fee for service	76,878	70,143	
Salaried Duty Counsel	25,839	16,725	
Total	102,717	86,868	+ 18.2

Write-Offs

George E. Wallace approved the write-offs of the following total of amounts due to the Legal Aid Fund: $16,040.43.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	October 1979	*7 Months to Oct. 31/79*	*7 Months to Oct. 31/78*
Reviews on hand	461		
Reviews received in	60	682	745
	521		
Settlements reviewed in	227	527	639
Settlements awaiting review at end of	294		
	521		

Appeals

	August	*September*	*October*
Appeals to Taxing Master received during	1	–	–
Appeals heard by Taxing Master	–	–	–
Appeals pending at the end of the month	4	4	3
Appeals abandoned	–	–	–

Activity

	1979/80 Fiscal Year		*1978/79 Fiscal Year*	
	Month of Oct.1979	*7 Months to Oct.1979*	*Month of Oct. 1978*	*7 Months to Oct.1978*
Accounts on hand at beginning	11148	7273	4429	6016
Accounts received	6074	38507	5440	36822
Total Accounts to be processed	17222	45780	9869	42838
Less: Files Cancelled	34	206	39	246
Accounts processed	4850	33236	5505	38267
Balance	12338	12338	4325	4325

	1979/80 Fiscal Year		*1978/79 Fiscal Year*	
	Month of Oct.1979	*7 Months to Oct.1979*	*Month of Oct. 1979*	*7 Months to Oct.1979*
In addition to the number of accounts for services completed there were:				
Interim Accounts	261	1645	232	1669
Supplementary Accounts	320	1835	246	1657
Total	581	3480	478	3326

PROFESSIONAL FEES – STAFF LEGAL AID PLAN

The Chairman requested the Director to place before the Committee a staff inquiry as to whether it would be appropriate for the Plan to pay the professional fees for permanent staff. It is customary for law firms to pay professional fees.

In the Provincial Office there are 11 lawyers consisting of the Director, the Associate Director, the Legal Accounts Officer and Deputy Legal Accounts Officer, the Clinic Funding Director and the Assistant, the Research Director and two Assistants, the Special Projects Co-ordinator and the Staff Solicitor in charge of collection of sums under pay agreements, liens etc.

In York County there are 10 staff solicitors and also 17 salaried duty counsel.

The Area Director for Middlesex, Perth and Oxford Counties and the Deputy Area Director for Carleton County are full-time professional employees.

Also on staff are two full-time chartered accountants, the Deputy Director and the Comptroller.

The professional fees paid to The Law Society of Upper Canada are $300 per annum and those paid to The Institute of Chartered Accountants are $350 per annum.

The total cost of the annual professional fees for full-time professional staff is $12,350.

At present, while the Plan does not pay any professional fees for staff, it does pay the Errors and Omissions Insurance premium for salaried duty counsel in York County.

After careful review the Committee recommended that the Legal Aid Plan pay the annual professional fees for permanent staff levied by the Law Society and the professional fees levied by The Institute of Chartered Accountants. The proposal is subject to refunding to the Plan in a ratable portion if the employee leaves the Plan during the year in which he is insured.

It was moved in Convocation and seconded but *not put* that this item be deleted.

It was moved in Convocation, seconded and *carried* that this item be referred back to the Legal Aid Salaries Sub-Committee.

WRITING OFF BAD DEBTS

The Legal Aid Committee at its April, 1979 meeting reviewed the problem of outstanding accounts owed to the Plan dating back to 1968. The Committee noted that the Plan was not keeping up with the write-offs and unless a higher priority was given to the problem these outstanding accounts would remain on the books.

It was the Committee's recommendation at that time that the staff prepare, under the supervision of George E. Wallace, a package of write-offs which would be suitable, in accordance with good business practice, to clear up the backlog, subject to the Legal Aid Committee's approval.

The Report of the Task Force on Legal Aid under the Chairmanship of The Honourable Mr. Justice John H. Osler recommended in 1974 that: "The bulk of current bad debts should be written off."

The Provincial Auditor in his Annual Report on the Legal Aid Fund noted that: "the Fund is reviewing its procedures in respect of the collection of outstanding accounts and we recommend that particular attention be given to the inactive accounts which have approximated 45 per cent of total accounts outstanding over the last several years."

The staff with the assistance of Mr. Wallace prepared a report recommending such write-offs, which was before the Committee and Convocation.

The Committee approved the report.

THUNDER BAY AREA COMMITTEE– NORTHERN TOUR

In August members of the Area Committee from the District of Thunder Bay along with the Area Director made a tour of communities in the northwestern part of the district.

For Convocation's information a copy of the Thunder Bay Area Committee's report on the tour was before it.

NEW TARIFF – STATISTICS

In June the Legal Aid Committee approved a more sophisticated system of keeping statistics in connection with the payment of solicitors' accounts.

The statistics will provide the Plan with information which in the future will assist in monitoring the effect of the new tariff and to some extent the type of work lawyers are engaged in under Legal Aid. It is also hoped that improved statistics will assist the Plan when it has to return to government for an increase in the tariff.

A report setting out examples of reports available with respect to the 1979 tariff was before the Committee and Convocation.

LEGAL AID COMMITTEE

For Convocation's information an up-to-date list of the members of the Legal Aid Committee was before it. This list included the five new observer members who are as follows:

Robert P. Armstrong, Q.C.
    The Advocates' Society
Mr. Dominic Alfieri
    Ministry of Community and Social Services
M. S. Fitzpatrick, Q.C.
    Clinic Funding Committee
Brian P. Bellmore, Esq.
    Clinic Funding Committee
Ronald G. Thomas, Q.C.
    Criminal Lawyers Association

CLINIC FUNDING COMMITTEE

On November 5, 1979 the Clinic Funding Committee submitted a report to the Director recommending to the Director, subject to the approval of Convocation, funding applications for Community Legal Services (Welland), Industrial Accident Victims Group Ontario, Flemingdon Park Community Legal Services and Supplementary Legal Disbursements.

The Director recommended to Convocation that the report of the Clinic Funding Committee dated November 5, 1979 be adopted.

The following is a summary of the report which covers all applications for funding considered and approved by the Committee subsequent to its report of 21st August, 1979:

1.	Community Legal Services (Welland) funding for a period of three months ending 31st January, 1980, pending completion of evaluation of services	up to $ 8,000
2.	Industrial Accident Victims Group Ontario supplementary funding for purchase of equipment required by clinic	up to $ 1,500
3.	Flemingdon Park Community Legal Services new - to provide staff of 1 lawyer, 2 legal workers and 1 secretary for services to the Flemingdon Park area and nearby areas in Metropolitan Toronto	up to $27,000
4.	Supplementary Legal Disbursements required to permit Committee to meet applications for such disbursements during the fiscal year 1979/80 as recommended in the Committee's budget	up to $15,000

JOINT COMMITTEE

Criminal Legal Aid Panel, York County

On November 5th, 1979, the revised Criminal Legal Aid Panel in York County took effect. A press release in French and English was distributed to the media. There was intensive radio, television and newspaper coverage both on local and national levels.

A copy of the said press release was before the Committee and Convocation.

AREA COMMITTEES

Section 4(1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended the following be appointed as members of the Area Committees in:

Algoma District

Donald Orzietti Crown Attorney, Sault Ste. Marie

Peel County

John D. Smith, solicitor, Brampton

Peterborough County

William Barrowclough, teacher, Peterborough

RESIGNATION

Sudbury and Manitoulin Districts

B. A. Dumont, Q.C., Sudbury

THE REPORT AS AMENDED WAS ADOPTED

. . . .

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. P. B. C. Pepper, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 8th November, 1979.

The following members were present: Messrs. Pepper (Chairman), Barr and Cass.

APPLICATIONS

The Committee considered two applications for grants.

One application was made by the divorced wife of an incapacitated solicitor. The applicant has two children. Since May 1979 this applicant received from the Fund grants totalling

$13,000, of which $2,000 in grants was made during 1979. The applicant submitted a letter to the Committee in support of her application. The Committee recommended that the applicant receive a grant of $500 immediately and a further grant of $500 on 1st May, 1980.

The second application was from a member who has been without employment, except for part-time work, since February 1975 and whose rights and privileges as a member of the Society were suspended due to non-payment of fees. The applicant has been offered a job provided that he is reinstated as a member of the Society. The Committee recommended that a grant of $855 be made payable to the member and The Law Society of Upper Canada.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON PAYMENT OF LEGAL ACCOUNTS BY CREDIT CARD

Mr. J. D. Ground, Chairman, was prepared to present the Report of the Special Committee on Payment of Legal Accounts by Credit Card dated 30th October, 1979.

It was moved, seconded and *carried* that consideration of the Report stand to the next regular Convocation.

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CONVOCATION ROSE AT 4:15 P.M.

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Confirmed in Convocation 18th January, 1980.

G. D. FINLAYSON
Treasurer

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